

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF TEXAS
 3 HOUSTON DIVISION

4 UNITED STATES OF AMERICA .
 5 . H-09-CR-342-1
 6 vs. . HOUSTON, TEXAS
 7 . JANUARY 24, 2012
 8 . 10:10 A.M.
 9 ROBERT ALLEN STANFORD .
 10

11 TRANSCRIPT OF JURY TRIAL
 12 BEFORE THE HONORABLE DAVID HITTNER
 13 UNITED STATES DISTRICT JUDGE
 14 VOLUME 2

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Proceedings recorded by mechanical stenography, transcript
 produced by computer-aided transcription.

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P R O C E E D I N G S

(Judge and all parties in jury room)

THE COURT: Okay. Oh, yeah. You know Number 51? You remember him?

MR. COSTA: Hard to forget.

THE COURT: All right. That's Mr. W [REDACTED]. Says he may know some of the folks.

(Prospective juror enters)

THE COURT: Hi, Mr. W [REDACTED].

PROSPECTIVE JUROR: Good morning.

THE COURT: I understand you may know some of the folks and you wanted to visit with us. I think it's safer to do it in here.

PROSPECTIVE JUROR: Yeah. I don't know what I can and can't say in front of the jurors and things.

THE COURT: So we're here now.

PROSPECTIVE JUROR: Well, yeah. So, like I was saying, I work for an advertising agency; and one of our clients at the time was Stanford. And I brought some samples for you, Judge. I don't know -- because I wasn't sure if --

THE COURT: What kind of samples?

PROSPECTIVE JUROR: Brochures and things that we worked on. I wasn't sure because I don't think I did a good job of describing what we did. So these are the type of things that we were doing for Stanford.

10:11 1 THE COURT: Let me look at those.

2 PROSPECTIVE JUROR: We got a publication called the
3 "Stanford Eagle" that has articles such as details about
4 emerging markets or, you know, Stanford would do some sort of
10:12 5 sponsorships, like basketball goals and polo games and cricket
6 games and so we would have the details about that. It's
7 basically positioning Stanford for investors and potential
8 investors.

9 THE COURT: Anybody want to take a look at
10:12 10 Mr. Stanford's photo?

11 PROSPECTIVE JUROR: So, I'm not sure how this affects
12 stuff; but I didn't want to -- I didn't necessarily want to
13 bring this kind of stuff up.

14 THE COURT: Oh, no. I agree.

10:12 15 Anybody want to see this, or we can just leave it
16 here?

17 MR. COSTA: Yes, your Honor.

18 THE COURT: Okay. All right. Questions, Mr. Costa?

19 MR. COSTA: Mr. W [REDACTED], if some of the allegations
10:12 20 in this case are that marketing materials like this, that
21 Stanford produced, contain lies and misrepresentations, since
22 your company was involved in producing those, would that create
23 an issue or a concern for you that --

24 PROSPECTIVE JUROR: You mean as in am I personally
10:12 25 invested in these things and feel like I'm also on trial, or

1 something along those lines?

2 MR. COSTA: Or your company.

3 PROSPECTIVE JUROR: I mean, I don't think so, because
4 when you work in a business like I do a lot of your stuff is
10:13 5 client provided, you know. Like, I don't make up this type of
6 material. It comes from interviews and from things that the
7 client passes on to us. So, we -- we try to get an
8 understanding of what the client does, who the client is, and
9 how they want to position themselves out to the market and work
10:13 10 with them to create these types of things. So, I wouldn't say
11 that we own -- we don't take ownership in any of this stuff.
12 It's work that we have produced for the client.

13 MR. COSTA: But you understand there might be an issue
14 of what they provided you versus what the advertising agency
10:13 15 sort of did on its own and then that could involve directly you
16 and your company, right?

17 PROSPECTIVE JUROR: Well, I mean, I can say that
18 things that I have seen and read in some of these materials are
19 not necessarily what I would expect from -- if I were to be
10:13 20 making financial investments, you know, like, I have some very
21 humble retirement accounts, a 529 for my son and stuff; and I
22 like to know, you know, what is my money going to.

23 And these types of materials, it talks really
24 more about, "We have this process and we try to work with you
10:14 25 to maintain consistent results based on what your goals are."

10:14 1 And it doesn't really talk about -- this isn't -- it doesn't --
2 it actually specifically says things like, "We don't follow the
3 Dow Jones Industrial. We don't follow S & P. We come up with
4 goals for you. And based on that type of stuff, we will -- we
10:14 5 will, you know, allocate risk and diversify your account so we
6 can get a consistent result for you."

7 You know, so, that was the -- that was the stance
8 in these types of materials, you know. So, it's different than
9 what I would expect if I were to invest surely. But again, I
10:14 10 don't take ownership of this kind of stuff and I don't -- I
11 don't feel like I'm on trial. And I think that we can defend
12 anything that we did. I'm comfortable with the work that we
13 provided.

14 THE COURT: You want to pass at least one or two to
10:15 15 the other side?

16 MR. COSTA: So you think there might be a situation
17 where your company had to defend what it did? I mean, that's
18 the word you just used, you said you would be comfortable
19 "defending" what your company did.

10:15 20 PROSPECTIVE JUROR: I guess, maybe I'm not very good
21 at using my words quite as well as everybody else here. But I
22 feel -- I think our company would stand behind our work. I
23 think we provided a great service to --

24 THE COURT: All right. Let's see what the defense has
10:15 25 to say.

10:15 1 MR. FAZEL: Mr. W [REDACTED], I guess, it comes down to
2 this. Your company didn't -- doesn't sign off on these
3 documents, saying they endorse or that they say that these are
4 accurate or correct, correct?

10:15 5 PROSPECTIVE JUROR: Correct.

6 MR. FAZEL: "Correct" as in I'm saying correct or
7 you're saying correct?

8 PROSPECTIVE JUROR: We do not -- we are not held to
9 whatever is said in these materials. Once we provide them to
10 the client, then the client has bought the materials. It's
11 their marketing materials.

12 MR. FAZEL: Okay. Now, you do the graphics and you do
13 the papers and the colors and everything and make sure they
14 look the way the client wants it to?

10:16 15 PROSPECTIVE JUROR: When you say "you," our company,
16 yes. I'm not in the graphics.

17 MR. FAZEL: I understand. So, your company just
18 creates these documents and sends them over to the client, the
19 client approves them?

10:16 20 PROSPECTIVE JUROR: Yes.

21 MR. FAZEL: Do you actually print them, or does
22 somebody else print them?

23 PROSPECTIVE JUROR: These typically -- these are nice
24 materials, so we would not print these in-house. We would have
10:16 25 these printed elsewhere.

10:16 1 MR. FAZEL: Okay. So, all you do is basically listen
2 to the client, provide graphics of some sort; and then, if the
3 client is happy with it, your job is done?

4 PROSPECTIVE JUROR: Well, we also do the words. This
10:16 5 isn't verbatim from the client because there are --

6 THE COURT: So, you edit what they send you?

7 PROSPECTIVE JUROR: Sure. Well, again, I mean, I
8 would say a typical process would be we would -- we would have
9 interviews with whichever group -- I'm not sure which ones I
10:16 10 brought. But whichever group was being represented in a
11 particular piece, we would interview them, get some people on
12 the phone, talk about their business, talk about what they want
13 to -- what they want to focus on.

14 THE COURT: Were you personally involved in this?

10:17 15 PROSPECTIVE JUROR: Some of these, yes; some of these,
16 no.

17 THE COURT: You talked to the people -- some people at
18 the Stanford organization?

19 PROSPECTIVE JUROR: I had interviews.

10:17 20 THE COURT: All right. Anything else? If there is,
21 go on.

22 MR. COSTA: Yes. You said yesterday who were the --
23 who did you interview at Stanford? You actually mentioned Lena
24 Stinson?

10:17 25 PROSPECTIVE JUROR: You know, I believe so. I mean, I

10:17 1 think her name popped up in my head. I would really have to go
2 back. I just pulled these files out of my desk real quickly.
3 I can go --

4 MR. COSTA: Do you remember who you -- you interviewed
10:17 5 Stanford employees?

6 PROSPECTIVE JUROR: It was three or four years ago.
7 Yeah, I mean, I could say there was some Stanford names and I
8 could go find some files in my desk from whenever I was
9 conducting interviews of names. Unfortunately, I mean, I would
10:17 10 be guessing right now.

11 THE COURT: You talked to them about their business to
12 get a feel for how they -- what they did and how they wanted
13 this presented?

14 PROSPECTIVE JUROR: Yeah. How they --

10:17 15 THE COURT: And you did both the graphics and the
16 wording?

17 PROSPECTIVE JUROR: Me, personally?

18 THE COURT: No. Your company.

19 PROSPECTIVE JUROR: Our company, yes, correct.

10:17 20 THE COURT: And you were on this project. Is that
21 correct?

22 PROSPECTIVE JUROR: Yeah. I'm not in the lead team
23 for the Stanford account but --

24 THE COURT: But you were on it?

10:18 25 PROSPECTIVE JUROR: Yes.

10:18 1 THE COURT: Okay.

2 PROSPECTIVE JUROR: So, I -- sometimes -- for some of
3 these pieces, I would do what we call the "final read," which
4 is somebody needs to look at them before they go out, to make
10:18 5 sure that the i's are dotted and the t's are crossed.

6 THE COURT: Any further questions?

7 MR. FAZEL: Yes.

8 Mr. W [REDACTED], have you formed an opinion of
9 whether Mr. Stanford is guilty or not guilty?

10:18 10 PROSPECTIVE JUROR: Formed an opinion, no, sir, I have
11 not.

12 MR. FAZEL: Could you be fair to both sides?

13 PROSPECTIVE JUROR: I believe I could be fair to both
14 sides.

10:18 15 MR. FAZEL: When you say -- okay. You used the word
16 "believe." So, let me try it this way. Would you let either
17 side have a head start as far as your belief as far as one side
18 is right or the other? In other words, the prosecution or the
19 defense, would you give them a head start just because you have
10:18 20 some basic understanding of Stanford?

21 PROSPECTIVE JUROR: Based on my work that I have done
22 with them --

23 MR. FAZEL: Based on anything.

24 PROSPECTIVE JUROR: -- would that give me a leaning
10:18 25 one way or the other?

10:18 1 MR. FAZEL: Correct.

2 PROSPECTIVE JUROR: No, it would not.

3 MR. FAZEL: Both sides are equal as we sit right here,

4 correct?

10:18 5 THE COURT: Can you honestly say that?

6 PROSPECTIVE JUROR: I have a tough --

7 THE COURT: Or are you conflicted?

8 PROSPECTIVE JUROR: I have a tough time with it.

9 THE COURT: Are you conflicted or not?

10:19 10 PROSPECTIVE JUROR: I would say I'm more personally

11 conflicted than "work that I have done" conflicted just because

12 I don't even know if -- any personal experience gives you, you

13 know, leanings one way or the other. However, I like to

14 believe that I am a fair and impartial person who really

10:19 15 doesn't judge except for the fact that in this role as a juror

16 I would be expected to give my opinion one way or the other.

17 So --

18 MR. FAZEL: Mr. W [REDACTED], your interaction with the

19 people at Stanford, was it limited, was it short in duration?

10:19 20 PROSPECTIVE JUROR: I would say not only would it be

21 limited, I'll also say that my interviews would be over the

22 telephone. I've actually not been in a conference room, in a

23 room with people from Stanford; but I've had conference calls.

24 MR. FAZEL: So it would be fair to say you have had

10:19 25 very limited interaction with the Stanford folks?

10:19 1 PROSPECTIVE JUROR: Correct.

2 MR. FAZEL: And that you, right now, are neutral as to

3 both sides. Would that be fair?

4 PROSPECTIVE JUROR: I think that would be fair.

10:19 5 MR. FAZEL: All right.

6 MR. COSTA: But you did say earlier that from what you

7 knew about the material before you walked in this courtroom

8 that you thought that they didn't provide the type of

9 information you would want to know if you were an investor,

10:20 10 correct?

11 PROSPECTIVE JUROR: Well, again, yeah, like, if I were

12 investing, I would like to know that my money is going to oil

13 and gas in the United States and Asia or, you know -- this is

14 not the type of information I was provided in these, which I

10:20 15 find, you know, a little bit surprising. Or it's not -- but

16 again, I'm not the client for these types of pieces, you know.

17 I'm --

18 MR. COSTA: Right. But you had those beliefs before

19 you walked in the courtroom and heard any evidence based on

10:20 20 what you did at your company --

21 PROSPECTIVE JUROR: Yes.

22 MR. COSTA: -- and what you knew --

23 PROSPECTIVE JUROR: I did have those beliefs before I

24 walked in the courtroom, correct.

10:20 25 MR. COSTA: It would be probably difficult to just

10:20 1 erase that out of your mind, given that you brought it up
2 today.

3 PROSPECTIVE JUROR: Yeah, just as well as it would be
4 difficult to erase fifth grade out of my mind.

10:20 5 MR. FAZEL: I don't remember fifth grade.

6 Mr. W [REDACTED], did you ever personally talk to or
7 meet with Mr. Stanford?

8 PROSPECTIVE JUROR: No, I've never met Mr. Stanford.
9 This experience is the first time I've even been in a room with
10:20 10 him.

11 MR. FAZEL: That's all I have, your Honor.

12 THE COURT: Anything further?

13 MR. COSTA: No.

14 THE COURT: All right. Thank you, sir. I gather
10:20 15 these are the samples from your own personal file, correct?

16 PROSPECTIVE JUROR: Yes, correct.

17 THE COURT: Okay. If, indeed, we decide that we may
18 want to make some copies of them, may we do that?

19 PROSPECTIVE JUROR: Yes.

10:21 20 THE COURT: Okay.

21 PROSPECTIVE JUROR: I believe that we're --

22 THE COURT: Not violating any copyrights or anything?

23 PROSPECTIVE JUROR: Again, I'm not a lawyer, so I'm
24 not the best person to ask that question to.

10:21 25 THE COURT: Well, I am. And if I want to do it, the

10:21 1 judge wants to do it, I think we'll probably do it.

2 PROSPECTIVE JUROR: I think you probably have to speak
3 with a higher upper in my office.

4 THE COURT: I'm speaking. I can let them know.

10:21 5 PROSPECTIVE JUROR: Okay.

6 THE COURT: All right. Thank you very much and --

7 PROSPECTIVE JUROR: Should I bring these back to my
8 car so I don't have them in the courthouse?

9 THE COURT: No. Just keep them -- well, I tell you
10:21 10 what. Why don't we decide in a moment? Give us five minutes.
11 If you don't hear from us in five minutes, you can bring them
12 back to the car.

13 PROSPECTIVE JUROR: Yeah. I've been holding them like
14 this so nobody really sees them.

10:21 15 THE COURT: Yeah. All right. We have time.

16 Okay. Thank you, sir.

17 PROSPECTIVE JUROR: Thank you.

18 *(Prospective juror leaves)*

19 THE COURT: What about Mr. W [REDACTED]?

10:21 20 MR. COSTA: Government moves to strike for cause, your
21 Honor.

22 THE COURT: Why?

23 MR. COSTA: He had direct involvement in brochures.

24 The heart of this case is those types of brochures

10:22 25 misrepresented the nature of the investment. He's obviously

10:22 1 going to be conflicted. There's potentially a fact issue about
2 what the Stanford company gave these advertising companies
3 versus what the advertising companies did on their own. I
4 mean, he's bringing potential evidence that he has at his house
10:22 5 to the courthouse. I think it's a clear conflict. He has
6 strong personal knowledge and involvement in the case.

7 THE COURT: All right. Response?

8 MR. FAZEL: Your Honor, I believe he got those from
9 the office, not from his house. But at any rate, he -- they're
10:22 10 just advertising folks that had some interaction with Stanford.
11 He personally had never met Mr. Stanford.

12 He clearly said that he can be neutral and
13 detached. There's no evidence presented by the government, nor
14 have I seen any evidence that would lead me to believe that
10:22 15 there's going to be any conversation about the advertising
16 company changed the words and, therefore, the advertising
17 company is guilty and not Mr. Stanford, which I think the
18 government is trying to allege.

19 So, I think this juror has clearly said he can be
10:22 20 fair and neutral; and that's what the standard is. The Court
21 has been asking that for a day now, and I don't think he's
22 qualified to be stricken.

23 THE COURT: Anything further you want to add?

24 MR. COSTA: Well, he did just say these impressions he
10:23 25 already formed and he would not be able to get rid of the

10:23 1 impressions he had about whether the materials were providing
2 full disclosure.

3 MR. FAZEL: But the impressions -- he's saying, "If I
4 were to invest, I would like to have more information than just
10:23 5 these broad strokes that are in here," which I think is very
6 neutral. I think everyone would want to have more information
7 before they invest their money. That's just simple.

8 THE COURT: All right. That 51 challenge is granted.

9 I think that -- anybody have a problem that he
10:23 10 can take these out of the courthouse and bring them back to his
11 car?

12 MR. COSTA: No problem here.

13 MR. SCARDINO: We would like to have them for exhibits
14 if we could, Judge.

10:23 15 THE COURT: All right. Ellen, have some -- not you.
16 Okay? See if you can have somebody retain them or get an
17 address and we'll copy them and send them back to him. Okay?
18 Just get an address. Just take them from him, get his address;
19 and, for sure, when we get a chance to copy them, we will send
10:23 20 them back to him, unless we can have them. But if we can't, I
21 understand that it may be his only copies.

22 We'll make copies, file it in the records of the
23 suit and we'll send it back to him. Okay?

24 THE CASE MANAGER: Yes.

10:24 25 THE COURT: Mail it back to him.

10:24 1 All right. Who's next?

2 Oh, Ellen, 52. Oh, yes. T [REDACTED], he's been down

3 to Antigua. And what else?

4 THE CLERK: He did some land surveying down there.

10:24 5 That's about it, Judge.

6 *(Prospective juror enters)*

7 THE COURT: Howdy, Mr. T [REDACTED]. Have a seat. We

8 wanted to visit a little bit about your background here. I'm

9 just going to turn it over to the attorneys first. Okay?

10:24 10 Remember visiting with Mr. T [REDACTED]?

11 MR. COSTA: Sure.

12 THE COURT: And you wanted to visit with us. Is that

13 correct? Or we wanted to visit with you?

14 PROSPECTIVE JUROR: Yes.

10:24 15 THE COURT: Go ahead. Here he is.

16 MR. COSTA: Good morning, Mr. T [REDACTED].

17 PROSPECTIVE JUROR: Good morning.

18 MR. COSTA: You said you went down to Antigua to work

19 with some insurance?

10:24 20 PROSPECTIVE JUROR: Yes, sir.

21 MR. COSTA: Can you tell us what you did?

22 PROSPECTIVE JUROR: Well, how expansive do you want my

23 answer to be?

24 THE COURT: Not too, just the high points.

10:25 25 PROSPECTIVE JUROR: Just to do a loss control

10:25 1 inspection on certain properties that Stanford Financial and
2 their related entities owned in Antigua.

3 MR. COSTA: And when was this?

4 PROSPECTIVE JUROR: I'm guessing 2004, 2005.

10:25 5 THE COURT: You went down there specifically on a
6 Stanford matter?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: On behalf of who? Your clients?

9 PROSPECTIVE JUROR: Yes, sir.

10:25 10 THE COURT: Go on.

11 MR. COSTA: What types of insurance was it that you
12 were --

13 PROSPECTIVE JUROR: Well, specific to the property.
14 It was property insurance that we were most concerned about,
10:25 15 the wind exposures and all the property values subject to the
16 wind.

17 MR. COSTA: Which properties did you look at? Do you
18 remember?

19 PROSPECTIVE JUROR: Well, if I recall correctly, it
10:25 20 was pretty much everything that I was aware of at the time,
21 which was the Sticky Wicket, the polo club, the new health
22 center that was just being completed, the restaurant up on the
23 hill that was just being completed. There was the airplane
24 hanger and boat -- call it marina facility, there was the
10:26 25 newspaper.

10:26 1 MR. COSTA: What about the bank?

2 PROSPECTIVE JUROR: Pardon me?

3 MR. COSTA: What about the bank buildings?

4 PROSPECTIVE JUROR: The two bank buildings -- or one

10:26 5 bank building, I guess, I did not go into. I went by and took

6 pictures, but I didn't actually go into the bank building.

7 MR. COSTA: So, were you just determining a risk level

8 for these properties or were you providing a value for the

9 properties? What were you doing?

10:26 10 PROSPECTIVE JUROR: Well, as much as anything, you

11 know, whenever you're trying to describe something to an

12 underwriter, you know, a picture is worth a thousand words.

13 So, part of my deal was I was taking probably hundreds of

14 pictures of different things so that I could submit them to the

10:27 15 underwriters so that they could see what risk they were taking

16 on.

17 MR. COSTA: So you didn't pull a dollar value on any

18 of these properties?

19 PROSPECTIVE JUROR: Oh, no. No, uh-uh.

10:27 20 MR. COSTA: What was your impression of the

21 properties?

22 PROSPECTIVE JUROR: They're very nice, well built, and

23 certainly sufficient for the area.

24 MR. COSTA: Did you have any involvement with Stanford

10:27 25 after going down to take those pictures and look at those

10:27 1 properties?

2 PROSPECTIVE JUROR: Well, at the time I was working
3 for Bowen, Miclette & Britt, insurance broker; and I continued
4 to be a part of a service team for the account up until the
10:27 5 time I left in July of 2005.

6 MR. COSTA: And what does that entail? What type of
7 interaction did you have with the Stanford companies after you
8 got back from the Antigua?

9 PROSPECTIVE JUROR: The vast majority of my
10:27 10 interaction with the company was with Barbara Fortin, who was
11 the risk manager.

12 THE COURT: Let's hear from the defense, and we'll go
13 back to the government if you have anything more.

14 MR. FAZEL: Mr. T [REDACTED], correct?

10:28 15 PROSPECTIVE JUROR: Yes.

16 MR. FAZEL: Ms. Fortin, was a part of the Stanford
17 company?

18 PROSPECTIVE JUROR: Yes, she was the risk manager for
19 the company.

10:28 20 MR. FAZEL: Okay. Did you ever have any
21 interaction with --

22 PROSPECTIVE JUROR: In -- let's say the insurance risk
23 manager.

24 MR. FAZEL: Did you have any interaction with Robert
10:28 25 Allen Stanford?

10:28 1 PROSPECTIVE JUROR: No, I've never personally met him,
2 no, sir.

3 MR. FAZEL: Did you have any investments with the
4 Stanford companies?

10:28 5 PROSPECTIVE JUROR: No, sir.

6 MR. FAZEL: Did you -- were you involved in any way in
7 determining whether there was any types of frauds going on with
8 Stanford at all?

9 PROSPECTIVE JUROR: No.

10:28 10 MR. FAZEL: Your interaction with Stanford was simply
11 limited to going down to Antigua once?

12 PROSPECTIVE JUROR: I went to Antigua once; but there
13 was maybe a two, two and a half year period where I was
14 regularly working on the account.

10:28 15 MR. FAZEL: I see. When you went to Antigua, you just
16 took pictures and looked at the buildings, correct?

17 PROSPECTIVE JUROR: Pictures and dimensions,
18 measurements.

19 MR. FAZEL: Then you forwarded that on to your company
10:29 20 for them to make other determinations, correct?

21 PROSPECTIVE JUROR: We use that material for marketing
22 purposes to different insurance companies to see if they would
23 entertain that risk.

24 MR. FAZEL: Underwriting it. I see. Okay. You never
10:29 25 put a value on any of the -- as in a hard value on any of the

10:29 1 buildings or anything in Antigua, did you, or the businesses,
2 as an ongoing concern?

3 PROSPECTIVE JUROR: Oh, no. I mean, if I did anything
4 at all with values, which I don't really remember, it would
10:29 5 have been purely for insurance purposes and not a market value
6 or asset value.

7 MR. FAZEL: As we sit here today, do you have an
8 opinion of Mr. Stanford, whether he's guilty or not guilty?

9 PROSPECTIVE JUROR: No, sir.

10:29 10 THE COURT: All right. We'll go back to you,
11 government. Anything further?

12 MR. COSTA: You don't remember whether you did any
13 values, even if possibly for insurance purposes?

14 PROSPECTIVE JUROR: You know, I'm sure during the
10:29 15 course of servicing the account, I'm sure I would have had
16 conversations with Barbara Fortin, the risk manager, to come to
17 agreed values for insurance purposes. But, I mean, that just
18 happens every year at renewal. Or if they were to buy a new
19 asset or something, they would say, "Well, endorse the policy
10:30 20 to include this asset."

21 And my question would be, "Okay. So what's it
22 worth?" But --

23 MR. COSTA: Because the policy has to say what -- if
24 there's a disaster, what you are going to pay to replace the
10:30 25 property?

10:30 1 PROSPECTIVE JUROR: Exactly.

2 THE COURT: Defense, anything further?

3 MR. FAZEL: Yes, sir. I was asking whether you had

4 formed an opinion as to whether Mr. Stanford was guilty or not

10:30 5 guilty. Have you formed that opinion?

6 PROSPECTIVE JUROR: No.

7 THE COURT: All right. Let me ask you this. Do you

8 think you would be fair and impartial to both sides even though

9 you had some involvement in at least dealing with the Stanford

10:30 10 entities?

11 It's up to -- in other words, only you know as to

12 whether or not you can be fair and impartial, without having

13 heard any of the evidence.

14 PROSPECTIVE JUROR: I think I could be, yes.

10:30 15 THE COURT: Okay.

16 PROSPECTIVE JUROR: And I'm not predisposed to -- I

17 mean, I have no --

18 THE COURT: Well, you say you think. Are you pretty

19 sure?

10:31 20 PROSPECTIVE JUROR: Yes, sir.

21 MR. COSTA: May I bring up one point?

22 THE COURT: Go on.

23 MR. COSTA: You say you dealt with Ms. Fortin a lot?

24 PROSPECTIVE JUROR: Uh-huh.

10:31 25 MR. COSTA: If there's e-mails and things like that

10:31 1 and evidence from Ms. Fortin, what's your impression of her
2 from dealing with her?

3 PROSPECTIVE JUROR: Barbara Fortin worked at our
4 agency prior to becoming the risk manager at Stanford
10:31 5 Financial. So, I -- you know, I knew her as a fellow employee
6 and always had a high regard for her work, quality of her work,
7 accuracy, et cetera. And while she was at Stanford, I think I
8 can make that same character statement. I mean, she was
9 always, you know, timely, accurate, energetic, just a
10:31 10 professional.

11 THE COURT: You heard the allegations in this case.
12 What you dealt with at Stanford had nothing to do with that as
13 far as you know, right? As far as the allegations, as far as
14 the type of investments and things like that?

10:32 15 PROSPECTIVE JUROR: As far as investments, there
16 was no interaction. It's just completely out of my bailiwick.

17 MR. COSTA: With Ms. Fortin, if issues arose about the
18 quality of the insurance Stanford had, not necessarily your
19 policy but generally the programs she oversaw, or about her
10:32 20 credibility, given this relationship with her, would it be hard
21 for you to forget about your work with her and the work with
22 her when she was at Stanford?

23 PROSPECTIVE JUROR: I don't -- she -- I mean, I've
24 known her --

10:32 25 MR. COSTA: You already have your opinion of

10:32 1 Ms. Fortin, right? I mean, she was a coworker of yours?

2 PROSPECTIVE JUROR: Let me put it this way. Yes, I
3 have an opinion of Barbara Fortin. I think it's a fairly
4 positive one. If someone were to make an allegation to the
10:32 5 contrary, I would probably have to really be shown something
6 hard to displace my belief in her.

7 MR. COSTA: So, you'd bring -- your impression of her
8 would be part of what you'd consider at the trial?

9 PROSPECTIVE JUROR: I don't know -- I don't know how
10:33 10 to separate this --

11 THE COURT: Okay. I understand.

12 Anything further?

13 Let's wrap it up.

14 MR. FAZEL: Sure. You were not involved in any type
10:33 15 of insurance where, like, FDIC coverage insurance or the
16 chairman of the board insurance, life insurance or anything
17 like that, were you?

18 PROSPECTIVE JUROR: Certainly not any life insurance.
19 As far as the chairman of the board, are you referring to a
10:33 20 D & O, directors and officers?

21 MR. FAZEL: Yes.

22 PROSPECTIVE JUROR: Not directly. There was another
23 fellow in my office that -- actually, a couple of people in my
24 office who handled what we called those professional lines.
10:33 25 So, no, as far as the --

10:33 1 THE COURT: All right. Thank you.

2 PROSPECTIVE JUROR: -- the placement, no.

3 THE COURT: All right. I think we have the
4 information we need. Thank you for coming in, and we'll see
10:33 5 you in a little bit.

6 PROSPECTIVE JUROR: All right.

7 *(Prospective juror leaves)*

8 THE COURT: Okay. As to Mr. 52 -- as to Juror 52, do
9 we have any challenges?

10:34 10 MR. COSTA: Government moves to strike for cause. He
11 has direct personal involvement with the company, which is much
12 different than just hearing something on the news.

13 And Ms. Fortin, the insurance allegations -- not
14 the policies he worked on, but there will be general
10:34 15 allegations about the insurance program. And one of our
16 witnesses, I know, has an e-mail from Ms. Fortin, that's in our
17 exhibit list, that will be discussed. And he said he can't --
18 it would take -- he would really have to be shown something to
19 discredit Ms. Fortin.

10:34 20 He's going to bring those preconceived notions he
21 has, not just dealing with her at Stanford but she used to work
22 for his company.

23 THE COURT: All right. Defense position?

24 MR. FAZEL: Judge, we would object to that. He's
10:34 25 clearly said that he can be fair and impartial. His

10:34 1 interaction with Stanford has really very tangential, if any,
2 effect -- factual relation with this trial because the
3 insurance that we're talking about are -- are on buildings.

4 The government's allegations involving insurance
10:34 5 have to do more with securities, FDIC coverage insurance, and
6 so forth. So, I don't think that -- he's clearly neutral,
7 detached, would be fair. The Court asked him that, and he said
8 yes. So, we would object to that.

9 THE COURT: Okay. Challenge is granted on 52.

10:35 10 Let me have the next one. What's the key point
11 on this one?

12 THE CLERK: She has a disclosure that she wanted to
13 make with you.

14 THE COURT: We need -- someone has a disclosure.
10:35 15 Would you bring 52, Ms. B [REDACTED] -- Number 53 rather, 53. She
16 just said she wanted to make a disclosure.

17 Is that correct?

18 THE CLERK: Yes, sir, provide a disclosure to you.

19 THE COURT: Oh, yes, I remember.

10:35 20 *(Prospective juror enters)*

21 THE COURT: Hi, how you doing?

22 PROSPECTIVE JUROR: All right. How are you?

23 THE COURT: Fine. Have a seat.

24 If I remember, you said you had some disclosure
10:35 25 you wanted to mention to us?

10:35 1 PROSPECTIVE JUROR: I do. The CPA that my company
2 uses and I use personally was a material -- or a -- a witness
3 on this case in Washington.

4 THE COURT: Who's that?

10:36 5 PROSPECTIVE JUROR: Rod Desroches.

6 THE COURT: You say your personal CPA?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: He did not tell me anything about
10 the case or give me any judgments but I just --

11 THE COURT: He was called to Washington to testify
12 or --

13 PROSPECTIVE JUROR: As an expert witness.

14 THE COURT: As an expert witness on what kind of a
15 case?

16 PROSPECTIVE JUROR: I believe this case.

17 THE COURT: On this case? Okay. I'm not familiar
18 with what went on prior but --

19 MR. COSTA: Do you know what it was called -- what he
20 was doing in Washington?

21 PROSPECTIVE JUROR: He just told me he was -- because
22 I couldn't get ahold of him. And he called and said he was --
23 when I did talk to him, that he was a testifying as an expert
24 witness in the Stanford case.

10:36 25 MR. COSTA: Testifying in court --

10:36 1 PROSPECTIVE JUROR: Yes.

2 MR. COSTA: -- or before Congress?

3 PROSPECTIVE JUROR: I don't know. He didn't give me

4 any details. But just if he is possibly going to be called, I

10:36 5 want everyone to know. I don't want that to be a issue.

6 MR. COSTA: He's a local Houston CPA?

7 PROSPECTIVE JUROR: Yes, sir.

8 MR. COSTA: Does he have his own firm or is he part

9 of a --

10:36 10 PROSPECTIVE JUROR: He is a partner in the firm.

11 MR. COSTA: The name of the firm is? Does it have his

12 name on it?

13 PROSPECTIVE JUROR: Yes.

14 MR. COSTA: Desroches?

10:36 15 PROSPECTIVE JUROR: But it's something else and

16 Desroches. I can't remember. Cameron and Desroches maybe.

17 MR. COSTA: He told you nothing about the substance of

18 what he knew about Stanford?

19 PROSPECTIVE JUROR: No.

10:37 20 MR. COSTA: That's all.

21 THE COURT: Okay. Defense, please.

22 MR. FAZEL: How long have you known your accountant?

23 PROSPECTIVE JUROR: I've known him approximately a

24 year, year and a half.

10:37 25 MR. FAZEL: Okay. In this year and a half, how did it

10:37 1 come about that you talked about Stanford?

2 PROSPECTIVE JUROR: Because I was -- he didn't talk
3 about the case. I was trying to get ahold of him this summer
4 for some questions with my firm -- I mean the company I work
10:37 5 for, and I couldn't never get ahold of him. And finally, when
6 he did call me, he said, "I'm sorry. I've been in Washington,
7 DC, for the past pretty much three months, and I was an expert
8 witness in the Stanford case."

9 I don't know who he was testifying to or anything
10:37 10 else.

11 MR. FAZEL: And just -- that conversation just kind of
12 stopped there and --

13 PROSPECTIVE JUROR: Yes, sir.

14 MR. FAZEL: -- you moved forward to something else?

10:37 15 PROSPECTIVE JUROR: Yes, we moved to business.

16 MR. FAZEL: You moved to business. Okay. You
17 indicated in your questionnaire that you had -- you had heard
18 some things about the Stanford case?

19 PROSPECTIVE JUROR: Just --

10:37 20 THE COURT: Excuse me. I'm not going -- we've already
21 been through that. We're strictly on what she wanted to visit
22 with us about, the CPA.

23 MR. FAZEL: That's what I was -- I'm sorry. Inartful
24 question.

10:38 25 Did you guys talk about the news reports once you

10:38 1 talked to the CPA?

2 PROSPECTIVE JUROR: No, not at all.

3 MR. FAZEL: Not at all?

4 PROSPECTIVE JUROR: I just wanted it to be disclosed

10:38 5 that I do know him as -- in a business sense. Not personally,

6 just in business.

7 MR. SCARDINO: Could we have just a minute?

8 THE COURT: Sure.

9 MR. FAZEL: That's all I have, Judge.

10:38 10 THE COURT: Okay. Is there anything about that your

11 CPA, for whatever reason, had been -- testified or assisted in

12 one side or the other relative to Stanford that gives you a

13 problem being fair and impartial to both sides?

14 PROSPECTIVE JUROR: No, sir.

10:39 15 THE COURT: Both sides start equally?

16 PROSPECTIVE JUROR: Absolutely.

17 THE COURT: All right. Thank you, ma'am.

18 *(Prospective juror leaves)*

19 THE COURT: Okay. Any challenge to Number 53?

10:39 20 MR. COSTA: Not from the government.

21 MR. FAZEL: No, sir.

22 THE COURT: Okay. Thank you.

23 THE CLERK: This one wants to talk.

24 THE COURT: Next one said "wants to talk,"

10:39 25 Ms. G [REDACTED].

10:39 1 MR. SCARDINO: Your Honor, before we --

2 THE COURT: Okay.

3 MR. SCARDINO: May we just have the record reflect
4 that we respectfully object to the Court's ruling granting the
10:39 5 government's motion to excuse Juror Number 52?

6 THE COURT: Every time I rule, I'll assume there's an
7 exception to it. You don't have to state exceptions like you
8 used to do when we first started practicing law -- or just
9 before we started practicing. If you haven't lodged it, we
10:39 10 have it. But I'll assume every time you make an objection,
11 either side makes an objection and I rule against that side
12 there's an objection lodged.

13 All right. Let's call him.

14 *(Prospective juror enters)*

10:40 15 THE COURT: Hi, how you doing?

16 PROSPECTIVE JUROR: I'm good.

17 Good morning, everybody.

18 THE COURT: I remember we visited and you said you
19 wanted to visit about something else?

10:40 20 PROSPECTIVE JUROR: Yes. Nothing too important. I
21 just wanted to -- they wouldn't let us tell them beforehand
22 but --

23 THE COURT: Wait. Who? Downstairs?

24 PROSPECTIVE JUROR: Yeah, downstairs. They told us
10:40 25 there were certain things that only you have the discretion --

10:40 1 THE COURT: Like what?

2 PROSPECTIVE JUROR: To just basically -- if I served,

3 it would just be a financial hardship.

4 THE COURT: They didn't consider that either

10:40 5 downstairs?

6 PROSPECTIVE JUROR: Yeah, they said that there are a

7 lot of things that were up to you so we would have to talk to

8 you.

9 THE COURT: That's it?

10:40 10 PROSPECTIVE JUROR: Yeah, that's it.

11 THE COURT: I don't mean to make light of it. Tell me

12 about it.

13 PROSPECTIVE JUROR: Basically I know that our jobs are

14 only required to pay us what the court pays. So, if that were

10:41 15 to be the case, then I basically for four to six weeks wouldn't

16 really be able to have enough funds to, like, pay rent and pay

17 my bills and --

18 THE COURT: Tell me about that.

19 PROSPECTIVE JUROR: Well --

10:41 20 THE COURT: In other words, they pay how much a day

21 now? Thirty-five?

22 THE CASE MANAGER: Forty.

23 THE COURT: Forty a day?

24 PROSPECTIVE JUROR: Right.

10:41 25 THE COURT: And you're at the hospital?

10:41 1 PROSPECTIVE JUROR: Right.

2 THE COURT: And they do give you the leave, but they

3 don't compensate you --

4 PROSPECTIVE JUROR: Right.

10:41 5 THE COURT: -- beyond what? A week or two or --

6 PROSPECTIVE JUROR: Well, basically beyond what you

7 guys would do. So I wouldn't get my regular pay. I would just

8 get the \$40 a day from them, as well.

9 THE COURT: Okay. Questions?

10:41 10 MR. COSTA: No questions.

11 THE COURT: Any questions?

12 MR. FAZEL: No questions at all.

13 THE COURT: Let me ask you this. Would this impact

14 your ability to serve on this jury, do you think, as far as the

10:41 15 longer you serve, you get antsy or unable to -- what is it --

16 to focus on what's going on or -- only you can say, I know --

17 and I don't mean to make light of it -- that it is a concern

18 for you. We appreciate you coming back.

19 How do you think that might affect your service

10:42 20 on the jury and your service as a juror? You tell me.

21 PROSPECTIVE JUROR: I'm not sure. I think it would

22 make me a tad antsy. I think I could still be fair, but I

23 would have that in the back of my mind.

24 THE COURT: That's a concern?

10:42 25 PROSPECTIVE JUROR: Yes, it is.

10:42 1 THE COURT: Okay. But you can be fair to both sides?
2 PROSPECTIVE JUROR: I would.
3 THE COURT: Everybody start equal and give everybody a
4 fair shot?
10:42 5 PROSPECTIVE JUROR: Yes.
6 THE COURT: Okay. Thank you, ma'am.
7 PROSPECTIVE JUROR: Okay. Thank you.
8 *(Prospective juror leaves)*
9 THE COURT: All right. Anybody challenge 54?
10:42 10 MR. COSTA: I think the parties have agreed to let her
11 go.
12 THE COURT: Agreed? Okay. By agreed, 54 is excused.
13 THE CLERK: Same thing, Judge, just wants to talk.
14 THE COURT: Just wants to talk, and that's 55.
10:42 15 They're all sitting in a row here. So, the 50s, the mid 50s
16 have a run on the panel here.
17 *(Prospective juror enters)*
18 THE COURT: Hello, Mr. P [REDACTED].
19 PROSPECTIVE JUROR: Good morning, Judge.
10:43 20 THE COURT: Have a seat.
21 PROSPECTIVE JUROR: Thank you, sir.
22 THE COURT: You said you wanted to visit with us, and
23 here we are.
24 PROSPECTIVE JUROR: Wow. Good morning, everybody.
10:43 25 THE COURT: Visit. What's your concern?

10:43 1 PROSPECTIVE JUROR: My concern is that -- it really
2 doesn't have to do with the case itself. I would be happy to
3 sit. My job function may cause problems. I'm the emergency
4 response coordinator for our company. If there was a
10:43 5 catastrophic event -- I don't know if you remember yesterday I
6 mentioned I deal with hazardous materials. I'm the guy that
7 deals with the state and federal and local agencies in the
8 event something did occur. It hasn't happened in several
9 years.

10:43 10 And I would request that if I am selected to sit,
11 would I have the opportunity to go to work in the morning
12 before court and would I have the opportunity to be able to
13 access my laptop during lunch breaks and stuff like that to do
14 work?

10:44 15 THE COURT: Okay. We begin at 10:00 in the morning.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And we adjourn at 6:00 in the evening
18 and -- what's the rule on laptops? I guess in this situation,
19 if there would be a problem, we could authorize it. There
10:44 20 would be no problem.

21 PROSPECTIVE JUROR: Okay. Because --

22 THE COURT: If it's not -- I don't think we allow them
23 to come in with their laptops, do we, as far as jurors go?

24 THE CASE MANAGER: They can come in, Judge. There's
10:44 25 just not a WiFi connection.

10:44 1 THE COURT: There's not a WiFi connection. But, in
2 any event, if, indeed, that's applicable, then, yes, we take an
3 hour and a quarter break for lunch. We get underway at
4 10:00 a.m. And if anything should necessitate, whether due to
10:44 5 an accident or anything, that you feel you've got to have, if
6 you would just mention it to Ellen and we'll arrange for you to
7 have access.

8 PROSPECTIVE JUROR: All right. And I've been -- last
9 couple of days I've been going to work at 4:30 in the morning
10:45 10 just so I can get some routine stuff done. So, it doesn't
11 bother me to go to work early and then show up down here,
12 Judge.

13 THE COURT: Okay. Questions?

14 MR. COSTA: Is this the type of situation where
10:45 15 someone could call, leave a message on your cell phone if
16 something did arise?

17 PROSPECTIVE JUROR: Yes, sir.

18 MR. COSTA: You would be able to access that at
19 lunch --

10:45 20 THE COURT: They can also call the office if it's an
21 emergency. We would make sure we would get it through.

22 PROSPECTIVE JUROR: Yes, sir.

23 MR. COSTA: That's all for us. Thank you.

24 MR. FAZEL: Mr. P [REDACTED], any of that feeling that you
10:45 25 might be a little concerned about it might cause you to have

10:45 1 issues about listening or paying attention, concentrating on
2 the evidence or anything like that?

3 PROSPECTIVE JUROR: No, sir.

4 MR. FAZEL: You feel comfortable you could do that
10:45 5 easily?

6 PROSPECTIVE JUROR: Yes, sir. I'm just dedicated to
7 my work.

8 MR. FAZEL: Sure. Thank you.

9 THE COURT: Thank you. We appreciate you coming as an
10:45 10 offer for jury service, too. All right. Thank you, sir.

11 PROSPECTIVE JUROR: Thank you, Judge. Thank you-all.

12 *(Prospective juror leaves)*

13 THE COURT: By the way, we might get on the record at
14 this time that there was a request yesterday to seat an
10:45 15 additional juror. Both sides mentioned it to me about going
16 to -- having 15 jurors instead of 14, as a safety valve,
17 because I don't think anybody wants to go through this all
18 again.

19 And as you know from some of my cases, if there
10:46 20 happens to be something where we need to do it again, we might
21 just get underway -- take a week or two off and crank it right
22 back up because the -- what is it -- I tentatively put the
23 defendants for the summer -- you know, the three other
24 defendants that are left, put them off. I told them to put
10:46 25 them on hold because if there's a problem here we can get

10:46 1 cranked up right again.

2 So, I appreciate everybody working together. And
3 I am granting the joint request to seat an additional
4 alternate, and each of you get an additional peremptory strike.
10:46 5 Each side will get an additional peremptory strike.

6 MR. COSTA: So it's eight and 12?

7 THE COURT: Eight and 12.

8 Okay. Ellen, who's the next one?

9 THE CLERK: This is the HostGator, Judge. We wanted
10:47 10 to talk to him about his responses on the questionnaire.

11 THE COURT: This is the HostGator guy.

12 *(Prospective juror enters)*

13 THE COURT: Hi, come on in. Mr. N [REDACTED], have a seat.

14 Had a couple of questions. One question for you,
10:47 15 the -- you stated that you have read and heard some things
16 about Mr. Stanford. Is that correct?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. And you wrote down here that he was
19 the mastermind behind the Ponzi scheme. That's what you heard
10:47 20 in the press, right?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You understand that you are going to be --
23 if you're selected as a juror you'll be hearing the actual
24 evidence in this case?

10:47 25 PROSPECTIVE JUROR: Yes.

10:47 1 THE COURT: Okay. Do you feel that you could set
2 aside what you have heard and read and just decide the case
3 upon what you hear from the government, any questions the
4 defense has and if they have any witnesses, if they do,
10:47 5 consider whatever you see in court and follow my instructions,
6 that that's what you are to decide the case on?

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: Okay. He said "yes."

9 Questions now -- I think that's why we called him
10:48 10 forward, if I remember correctly. It was just -- what else do
11 we have?

12 MR. COSTA: Also a med student.

13 THE COURT: Oh, that's right. I'm sorry.

14 You're in medical school right now. Is that
10:48 15 correct?

16 PROSPECTIVE JUROR: Yes. Yes, sir.

17 THE COURT: When are your classes? Going on right
18 now?

19 PROSPECTIVE JUROR: Yeah.

10:48 20 THE COURT: Okay. Your first year where, at which
21 one? Baylor?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. What kind of -- what do you think
24 you want to do eventually in medicine?

10:48 25 PROSPECTIVE JUROR: I'm thinking infectious diseases.

10:48 1 THE COURT: Infectious disease. We really appreciate
2 you being here. Okay? And not, in effect, per se, raising
3 that; but let me raise it for you, that it's -- can you afford
4 after -- where you are --

10:48 5 And if anybody doesn't want me to go into this,
6 I'll stop. I think you know what I'm doing. I want to make
7 sure that our -- that our -- what is it -- a potential juror
8 understands that we certainly appreciate him coming here, very
9 much so.

10:49 10 Very often we have folks in your situation just
11 screaming and yelling, on paper, you know, to get out of it.
12 But you understand that this may take six weeks out of your
13 medical school?

10:49 14 PROSPECTIVE JUROR: Oh, was I required to be here? I
15 thought I forgot to send in the paperwork. That's why I
16 thought I had to come.

17 THE COURT: Did you mention it to them downstairs,
18 that you were a medical student?

19 PROSPECTIVE JUROR: No.

10:49 20 THE COURT: Yes. You haven't been in the legal
21 business, I can tell you that.

22 PROSPECTIVE JUROR: No.

23 THE COURT: But would that be a problem for you?

24 PROSPECTIVE JUROR: Yeah.

10:49 25 THE COURT: What are you doing now? You told the

10:49 1 professors that you had to be out for jury duty for a couple of
2 days?

3 PROSPECTIVE JUROR: Yeah. I mean, like, for a few
4 days, it's not too bad. I mean, I can screen most of the
10:49 5 classes; but, I mean, there's, like, some labs and other
6 things that --

7 THE COURT: You're not on the wards yet, are you?

8 PROSPECTIVE JUROR: Not yet.

9 THE COURT: They let you on the wards not -- what?
10:49 10 After a few months of medical school?

11 PROSPECTIVE JUROR: Not yet. But, I mean, for, like,
12 cadaver labs and stuff like that, you can't screen that.

13 THE COURT: Questions? Government, questions?

14 MR. COSTA: No questions.

10:50 15 THE COURT: Defense questions?

16 MR. FAZEL: No.

17 THE COURT: Thank you so much. You may step outside.
18 We'll see you later.

19 PROSPECTIVE JUROR: Okay. Thank you.

10:50 20 *(Prospective juror leaves)*

21 THE COURT: That was refreshing. You got to say that.
22 It was really refreshing, the young man.

23 What's the position of the defense and the
24 government?

10:50 25 MR. COSTA: I think the parties have agreed to let him

10:50

1 go back to school.

2 THE COURT: All right. Number 57 is excused.

3 Infectious disease, we'll keep that in mind if we ever need an
4 infectious disease doc somewhere down the line.

10:50

5 THE CLERK: This may be about his job, Judge.

6 THE COURT: All right. Number 68, Mr. N [REDACTED].

7 Another Mr. Nguyen.

8 *(Prospective juror enters)*

9 THE COURT: Hello, Mr. N [REDACTED]. Have a seat, please.

10:51

10 PROSPECTIVE JUROR: Thank you, sir.

11 THE COURT: Okay. You stated you want to talk to us,
12 right? That you might have a concern?

13 PROSPECTIVE JUROR: No.

14 THE CLERK: About his job.

10:51

15 THE COURT: Yeah, it was something about your job, if
16 I remember. You're oil field -- oh, that's correct. You're an
17 oilfield worker, correct?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: You work offshore?

10:51

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Well, I don't mean to put -- I just
22 want to check. You understand that this is six weeks, it's a
23 possible six-week trial, that you have to be here every day for
24 six weeks?

10:51

25 PROSPECTIVE JUROR: (Nodding head).

10:51 1 THE COURT: And if you are selected, would that be
2 not -- would that be a major problem for you or do you
3 understand that that's an obligation and you're willing to do
4 it? And if you have any concern, I just want to know if you
10:51 5 have any concern.

6 PROSPECTIVE JUROR: No.

7 THE COURT: I'm not looking for a concern. Do you?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Thank you.

10:52 10 Any questions from the government?

11 MR. COSTA: No, your Honor.

12 THE COURT: Any from the defense?

13 MR. FAZEL: No, sir.

14 THE COURT: Thank you very much, sir. Thank you.

10:52 15 PROSPECTIVE JUROR: Thank you.

16 *(Jury not present)*

17 THE COURT: Again, very refreshing, isn't it? It
18 really is.

19 THE CLERK: This is the one this morning.

10:52 20 MR. COSTA: I think on 58 the parties would agree
21 to --

22 MR. FAZEL: -- to let him go, your Honor. I think
23 he's 14 on and 14 off, and I'm not sure if he may be --

24 THE COURT: That's fine.

10:52 25 MR. COSTA: We also have concerns about his --

10:52 1 THE COURT: The language skills, too.

2 MR. COSTA: The city of residence he filled out --

3 THE COURT: Yeah, the language skill would be -- okay.

4 Then by agreement -- thanks -- Number 58 is excused. Again, we

10:52 5 both have everybody -- the system, the government, the defense

6 and I think the Court has an interest in keeping this clean,

7 getting it over and done with and hopefully get a clean verdict

8 one way or another and then take it up either way and I

9 understand that and I understand the advocacy system, but I

10:52 10 appreciate you working together relative to this.

11 Mr. C ■■■, please. He must have had a real

12 problem. He got here earlier and talked to someone.

13 Number 62, he was the one that just got Ellen in the hallway --

14 no -- talked to Cher, talked to the court reporter in the

10:53 15 hallway and said he had a concern.

16 *(Prospective juror enters)*

17 THE COURT: Hi. How you doing, sir?

18 PROSPECTIVE JUROR: Good morning.

19 THE COURT: Have a seat. I understand you spoke to

10:53 20 one of the court personnel that you had a concern and wanted to

21 talk to us?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. What is it, sir?

24 PROSPECTIVE JUROR: Two things that I cannot explain.

10:53 25 One is on the questionnaire.

10:53 1 THE COURT: Questionnaire?

2 PROSPECTIVE JUROR: Yes, about, like, work somebody --

3 family members working in the financial industry.

4 THE COURT: Yes. Hang on. Let me get that.

10:53 5 PROSPECTIVE JUROR: Okay.

6 THE COURT: Yes. You say, "Old son worked for Credit

7 Suisse" -- is that how you pronounce it?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Hold it. "As an analyst for two years and

10:54 10 for" -- what is it -- "Madison Dearborn since July 2011" -- and

11 that's "private equity," correct?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: -- "and for Madison" -- oh, that's the

14 name of a company?

10:54 15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. What do you want to talk to us

17 about?

18 PROSPECTIVE JUROR: Actually, my wife, I explain

19 yesterday in the question session, I say my wife, she works in

10:54 20 the financial sector.

21 THE COURT: Right.

22 PROSPECTIVE JUROR: And I forgot just put on it also I

23 have a niece. She works for American company, but she works in

24 Hong Kong office. She's not American. She's Australian.

10:54 25 THE COURT: Okay.

10:54 1 PROSPECTIVE JUROR: I totally forgot to put that
2 information.

3 THE COURT: To put that down?

4 PROSPECTIVE JUROR: So, yesterday morning I came back.
10:54 5 I talked to the lady downstairs. I say, "I need to talk to
6 judge about this thing."

7 She say, "You will have an opportunity to address
8 it."

9 THE COURT: In other words, you told the lady
10:54 10 downstairs you had --

11 PROSPECTIVE JUROR: No. I ask her or --

12 THE COURT: Not this morning?

13 PROSPECTIVE JUROR: Yesterday morning.

14 THE COURT: Yesterday morning? Downstairs?

10:55 15 PROSPECTIVE JUROR: Yesterday morning I talked to
16 lady.

17 THE COURT: Downstairs with all the people?

18 PROSPECTIVE JUROR: No, that one working in the desk.

19 THE COURT: Okay. Oh, at the desk?

10:55 20 PROSPECTIVE JUROR: I say, "Can I talk to judge?"

21 THE COURT: When you came in last week, when you
22 filled these out, did you mention it to anybody at that time?
23 Or you forgot at that time?

24 PROSPECTIVE JUROR: No, I didn't.

10:55 25 THE COURT: You forgot at that time? Or you knew it

10:55 1 but you had nobody to talk to?

2 PROSPECTIVE JUROR: I just --

3 THE COURT: Forgot?

4 PROSPECTIVE JUROR: -- blank out, like.

10:55 5 THE COURT: Okay.

6 PROSPECTIVE JUROR: So, I came back yesterday morning.

7 I talk to lady downstairs. I say, "I need to talk to judge."

8 She say, "You don't worry. You have chance to

9 address -- talk that" --

10:55 10 THE COURT: That was last morning?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Then, what's your concern?

13 PROSPECTIVE JUROR: Then what happened last night, we

14 finish, back home, after dinner, I went to my computer, look my

10:55 15 e-mail. And I have password. Basically, it's my name and my

16 street address, my password for e-mail.

17 THE COURT: Yeah.

18 PROSPECTIVE JUROR: Basically it's my name, just put

19 all upper case, lower case.

10:55 20 THE COURT: And?

21 PROSPECTIVE JUROR: And then I tried, like, five, six

22 times. I cannot log them out. I cannot get on it.

23 THE COURT: You can't get on the e-mail?

24 PROSPECTIVE JUROR: Yeah, e-mail, I cannot get my

10:56 25 password correct.

10:56 1 THE COURT: Okay.

2 PROSPECTIVE JUROR: My password is basically just my
3 name and my address, very simple, upper case, lower case. And
4 I have no sheet of paper, post note. I wrote down put in
10:56 5 notebook. Me, I have lot of sticks. I just cannot find it.
6 And, so, I just --

7 THE COURT: You have memory problems maybe?

8 PROSPECTIVE JUROR: Yeah, kind of like I just forget.
9 I take shower. I went to bed about 8:00, 9:00 o'clock. Then
10:56 10 about 2:30, I wake up. I just like -- I see movie, like. I
11 have all the cars freeway. See, I used to work, like, 10
12 minute, three miles from my home to work.

13 THE COURT: Right.

14 PROSPECTIVE JUROR: Right now it's, like, 7 miles from
10:56 15 my home to work. So, Thursday morning, I came here, take me
16 about one hour, 40 minutes. There was accident on the freeway.

17 THE COURT: It's a concern that you have?

18 PROSPECTIVE JUROR: See, all the cars just -- this
19 morning I wake up and just see, like movie, see all the cars,
10:57 20 red lights.

21 THE COURT: All the cars, no end to the lights?

22 PROSPECTIVE JUROR: Yeah, no end.

23 THE COURT: Okay. Government, you have any questions?

24 MR. COSTA: I have a quick question. You said your
10:57 25 son worked at Credit Suisse?

10:57 1 PROSPECTIVE JUROR: He worked Credit Suisse for two
2 years.

3 MR. COSTA: What years?

4 PROSPECTIVE JUROR: It's -- he starts on '09, July of
10:57 5 '09; and he finished last July, this past July. And he start
6 to work for the Madison Dearborn in Chicago.

7 MR. COSTA: If there was some evidence that
8 Mr. Stanford's bank invested money with Credit Suisse, would
9 that present any conflict given that your son worked there for
10:57 10 a short time?

11 PROSPECTIVE JUROR: I don't have problem for that. My
12 concern is, like, I cannot -- all sudden, something very
13 simple, I just lost, like. That's my --

14 MR. COSTA: Sure.

10:58 15 PROSPECTIVE JUROR: Then, I thought it might be too
16 much stress. Because when I -- every morning, I work short
17 distance, five minutes I drive, seven minutes I drive to work.
18 Here, like, yesterday, I drive, like, one hour, 15 minutes. I
19 live in Sugar Land, about 26 miles. Normally it's 35 minutes
10:58 20 can get here. The traffic --

21 THE COURT: All right. Any questions from the
22 defense?

23 MR. FAZEL: No, sir.

24 THE COURT: All right. Thank you, sir. You're
10:58 25 excused.

10:58 1 *(Prospective juror enters)*
2 THE COURT: Off the record.
3 *(Discussion off the record)*
4 THE COURT: All right. On the record.
10:59 5 What's the position of the attorneys, please?
6 MR. COSTA: The parties agree to let him go.
7 THE COURT: Agree?
8 MR. FAZEL: Yes.
9 THE COURT: Okay. He's gone.
10:59 10 Off the record.
11 *(Discussion off the record)*
12 THE COURT: Okay. The next individual I called
13 forward basically for his detailed explanation as to what he
14 had read.
10:59 15 Okay. S [REDACTED], please.
16 I think it's a guy -- is it a lady? Oh, with
17 bugs? Oh, yeah, this is the one who is studying --
18 THE CLERK: Her son.
19 THE COURT: Her son? I think I asked her everything
10:59 20 except that one area that we had to get back to.
21 *(Prospective juror enters)*
22 THE COURT: Hi. How you doing?
23 PROSPECTIVE JUROR: Good morning.
24 THE COURT: Have a seat. I basically, called you back
11:00 25 because I didn't want to get into this area that you had listed

11:00 1 down here as to the other information that you had heard, the
2 stuff you had heard or read about. You say Ponzi scheme,
3 hooked on drugs in prison, amnesia, a question about being fit
4 to stand trial.

11:00 5 I gather you got that from the various news
6 sources that you cited. Is that correct?

7 PROSPECTIVE JUROR: Yes, sir.

11:00 8 THE COURT: Okay. I'm just going to ask you a
9 question. I -- and then have the attorneys talk to you. You
10 understand that you haven't heard any information from the
11 witness stand?

12 PROSPECTIVE JUROR: (Nodding head).

11:00 13 THE COURT: And you heard me read what the case is
14 about, what the allegations are, basically the financial
15 allegations. Is that correct?

16 PROSPECTIVE JUROR: Yes, sir.

11:01 17 THE COURT: Are you going to be able to put this
18 aside, in other words, not that you hadn't read it but decide
19 the guilt or innocence of this man from the -- from the
20 evidence you hear at trial and that alone? Because that will
21 be the instruction of the Court. And I'm here only because you
22 read a lot of the other items, or at least wrote them down. So
23 I didn't ask the general question that, aside from what you had
24 read in writing, can you be fair and impartial.

11:01 25 I just wanted to be specific that you didn't

11:01 1 consider all of this and -- you know, we're not going to erase
2 any of our memories when we sit on a jury. But again, the
3 instructions would be you're to consider the evidence presented
4 in court and then to weigh that against what I give you as the
11:01 5 standard of guilt beyond a reasonable doubt and can you be fair
6 to both sides.

7 PROSPECTIVE JUROR: I think I can, yes, sir.

8 THE COURT: Okay. You say you "think" you can. Can
9 you do it?

11:01 10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Okay. Questions?

12 MR. COSTA: Where do you get most of your news? From
13 watching the TV or from reading the newspaper or some other
14 source?

11:01 15 PROSPECTIVE JUROR: Yeah, probably -- I would probably
16 fairly -- most of it is from TV. I have read parts of
17 articles, you know, waiting in rooms and stuff. I can't say I
18 sit around and read a lot of magazines, either.

19 MR. COSTA: But you could put that information aside
11:02 20 and just judge the case based on what you hear in court?

21 PROSPECTIVE JUROR: Yes, sir.

22 MR. COSTA: That's all.

23 MR. SCARDINO: No questions.

24 THE COURT: Thank you, ma'am.

11:02 25 PROSPECTIVE JUROR: I would like to mention on a

11:02 1 personal matter.

2 THE COURT: Sure. That's what we are here for.

3 PROSPECTIVE JUROR: My 19-year-old son was taken to

4 the emergency room Saturday morning with intestinal bleeding.

11:02 5 It's all stopped, and he has to go to a specialist on the 2nd.

6 But I just -- I don't really know where all of that is going at

7 this point.

8 THE COURT: Where was he -- what is he going to see, a

9 gastroenterologist?

11:02 10 PROSPECTIVE JUROR: Yes, sir, in Nacogdoches.

11 THE COURT: In Nacogdoches?

12 PROSPECTIVE JUROR: (Nodding head).

13 THE COURT: And you live in Humble?

14 PROSPECTIVE JUROR: Uh-huh.

11:02 15 THE COURT: How come he's going to a doc up there? Is

16 that where he lives or --

17 PROSPECTIVE JUROR: He's in college.

18 THE COURT: Okay. And you feel you need to be with

19 him, or is he okay just to go to a doctor to check him out?

11:03 20 PROSPECTIVE JUROR: He's perfectly fine to go to the

21 doctor. I just don't know what they're going to find.

22 THE COURT: You don't know what they're going to find?

23 PROSPECTIVE JUROR: Exactly.

24 THE COURT: Was it major bleeding, heavy bleeding or

11:03 25 just minor? What do they say?

11:03 1 PROSPECTIVE JUROR: It was pretty darned scary.

2 THE COURT: Sure.

3 PROSPECTIVE JUROR: A lot of blood. But they let him
4 go that night, you know. They didn't keep him. They were able
11:03 5 to do some sort of test to determine the bleeding had stopped
6 and --

7 THE COURT: Okay. So, what is he going to get? A
8 lower GI, going to get a -- what do you call it? Colonoscopy?
9 Or the doctor going down the throat to check out the stomach?
11:03 10 Or you don't know?

11 PROSPECTIVE JUROR: I'm not sure at this point. The
12 recommendation from the emergency room said x-ray.

13 THE COURT: X-ray. That may be a colonoscopy. Either
14 that or just, you know, drinking that stuff and see what shows
11:03 15 up, the stuff that we've all had a taste of from time to time.

16 Okay. All right.

17 PROSPECTIVE JUROR: Thank you.

18 *(Prospective juror leaves)*

19 THE COURT: Okay. All right. What are we -- what
11:04 20 about Ms. S [REDACTED]?

21 MR. COSTA: No motion from the government.

22 MR. SCARDINO: None from the defense.

23 THE COURT: Okay. What we can do, by the way, is
24 let's see. Also -- all right. So, 65 is on the panel. What
11:04 25 we have an availability to do -- we're going to have some

11:04 1 people going to raise their hands -- I don't know how many --
2 to say anything I haven't discussed not on the sheets that you
3 need to talk about, the catchall question. We'll see how much
4 of a run we have on that. Okay?

11:04 5 And then, if we want, we may go back, if you
6 want, to revisit anyone that you may agree on that we already
7 have in the panel that we may want to knock off. Okay?

8 All right. Next one.

9 THE CLERK: Judge, yesterday this juror saw
11:04 10 Mr. Stanford return from lunch, with the cuffs.

11 THE COURT: Okay. This is the man who came back in --
12 I think saw Mr. Stanford come back with the cuffs on. Okay?
13 So, let's ask Number 68 have -- it's a man -- have him come in.

14 Is that a woman or a man?

11:05 15 MR. COSTA: It's a woman.

16 MR. SCARDINO: Your honor, we would ask that you
17 inquire if he mentioned this to anybody else.

18 THE COURT: Absolutely. Thank you.

19 *(Prospective juror enters)*

11:05 20 THE COURT: Hi. How you doing?

21 PROSPECTIVE JUROR: I'm doing great.

22 THE COURT: Come on in.

23 Okay. I understand that you were in the
24 courtroom when Mr. Stanford came back in at one time. Is that
11:05 25 correct?

11:05 1 PROSPECTIVE JUROR: That's correct.
2 THE COURT: Okay. What, if anything, did you notice?
3 PROSPECTIVE JUROR: He was just standing there.
4 THE COURT: Just standing there?
11:05 5 PROSPECTIVE JUROR: Yes, sir.
6 THE COURT: What did he do? Sit down and --
7 PROSPECTIVE JUROR: Yes, sir. I sat down because I --
8 THE COURT: No. I'm asking did he sit down, sit down
9 at his table and that was it?
11:05 10 PROSPECTIVE JUROR: Yes, sir.
11 THE COURT: Okay. Anything unusual that you noticed?
12 PROSPECTIVE JUROR: No, sir.
13 MR. COSTA: Nothing from the government.
14 MR. SCARDINO: Nothing from the defense.
11:05 15 THE COURT: All right. Thank you. That's all we need
16 to know.
17 PROSPECTIVE JUROR: Okay.
18 THE COURT: Thank you. That's easy.
19 PROSPECTIVE JUROR: Not a problem.
11:06 20 *(Prospective juror leaves)*
21 THE COURT: I don't know. I didn't want to bring up,
22 you know, was he wearing the cuffs.
23 Okay. That's good, though. It's safer to do it
24 this way.
11:06 25 THE CLERK: Just has a concern.

11:06 1 THE COURT: Has a concern. This is Mr. E [REDACTED],
2 Number 69.

3 Oh, Ellen, would you tell the -- how many more do
4 we have?

11:06 5 THE CLERK: Six.

6 THE COURT: You want to say 10 -- it's now about eight
7 minutes after -- say we'll be in at 11:30, so people don't have
8 to wait. All right?

9 Would you tell also the jury that we're doing
11:06 10 fine, that we'll be underway not later than 11:30 -- well, at
11 11:30, if they want to go out and walk around. It's another
12 just 25 minutes.

13 My best -- if we can get the others interrogated
14 during the noon hour with everybody waiting -- because they
11:06 15 know they take their break at 1:00 o'clock -- and then see
16 who's in the panel and then make the strikes and you can have
17 the whole lunch period to analyze and to do that if we can do
18 it.

19 *(Prospective juror enters)*

11:07 20 THE COURT: All right. Hi, sir. Have a seat.

21 Now, I believe you said you wanted to visit with
22 us. Is that correct?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Okay. We're here to visit.

11:07 25 PROSPECTIVE JUROR: Okay. Well, you know, I have a

11:07 1 little problem with is that -- the fact of it is that, you
2 know, I know the government has -- probably has enough things
3 on to convict a person and all that. But the other side of the
4 coin is, too, that the -- you know, some of the things that the
11:07 5 government does and they make it into law and make it legal for
6 them to do it. So that has, you know -- that's where my mind
7 is set right there. So, it's, you know -- it's two sides to a
8 coin. So, that's the reason that I got a problem with this.

9 THE COURT: What's the problem? That the government
11:07 10 sometimes gets out of line?

11 PROSPECTIVE JUROR: I think what they do is that
12 they -- they do the same thing, but they can make it a law that
13 they can do it and it's legal and where the other way is not
14 legal.

11:08 15 THE COURT: Well, of course, most of the laws are made
16 by Congress as far as laws go.

17 PROSPECTIVE JUROR: That, I know.

18 THE COURT: You understand that. And we're all just
19 living under, you know, the rules of law. But you're saying
11:08 20 some -- what is it -- the laws or some of the procedures that
21 you have a concern with? Basically the laws?

22 PROSPECTIVE JUROR: Well, if -- you know --

23 THE COURT: Give me an example. Give me an example.

24 PROSPECTIVE JUROR: If they want to take -- okay.

11:08 25 Here several years ago they went in and they changed Social

11:08 1 Security. There was money in the Social Security, you know,
2 for there. Well, they went in, they changed the law, the
3 Social Security, they pulled money out of there to put over in
4 here. So, if that's -- you know, that's the same kind of a --
11:08 5 I see it as the same kind of a deal.

6 THE COURT: Okay. All right. Well, let me ask.
7 Questions?

8 MR. COSTA: So, it sounds like -- are you going to
9 have the government start a little bit behind because you think
11:08 10 the government's above the law or the laws don't apply to
11 people who work for the government?

12 PROSPECTIVE JUROR: Well, if they passes a law that
13 they can do that, then it makes them -- you know, that they can
14 do something or other that they can, you know, get by with.

11:09 15 MR. COSTA: So, you're concerned with -- the example
16 you gave us, with Social Security?

17 PROSPECTIVE JUROR: Yeah.

18 MR. COSTA: Explain a little more what the issue is
19 with Social Security.

11:09 20 PROSPECTIVE JUROR: Well, I guess it's back in the
21 Seventies, was it, when they went in and they changed the law
22 because they had a -- they had a big amount of money in there
23 for people retiring and stuff like that. And then what happens
24 is they see all this, they go in, they change the law that they
11:09 25 can take that money and use it other places.

11:09 1 MR. COSTA: You're saying that the Social Security
2 trust fund, in your view, isn't being kept for Social Security
3 retirees?

4 PROSPECTIVE JUROR: That's right.

11:09 5 MR. COSTA: That's your concern? And because of that,
6 you don't like that law, are you going to hold it against the
7 fact that we work for the federal government?

8 PROSPECTIVE JUROR: I don't hold anything against
9 anybody.

11:10 10 MR. COSTA: But you said that --

11 PROSPECTIVE JUROR: But the thing that concerns me is
12 that, you know, it's -- I see this as the same kind of a game
13 that, you know, that this gentleman was doing and then
14 the -- you know, with that and the other people --

11:10 15 THE COURT: Okay.

16 PROSPECTIVE JUROR: -- federal government.

17 THE COURT: All right. Defense, please.

18 MR. SCARDINO: Mr. E [REDACTED], you're clearly not happy
19 with some of the things the government does, right?

11:10 20 PROSPECTIVE JUROR: Well, yeah, I guess, you can say
21 that.

22 MR. SCARDINO: Well, I think you -- probably a lot of
23 people in this room agree with that.

24 PROSPECTIVE JUROR: And I vote every time there's an
11:10 25 election coming up, too.

11:10 1 MR. SCARDINO: Well, thank goodness.

2 PROSPECTIVE JUROR: That's the only way I -- they tell
3 you that if you don't vote you don't complain.

4 MR. SCARDINO: I think everybody here agrees with
11:10 5 that.

6 The question here, though, is, I mean, even
7 though you're unhappy with some function of the government --
8 at maybe various levels -- would you carry that into the
9 courtroom as a juror, or could you follow the judge's
11:11 10 instructions and apply the Court's rules to the evidence that
11 you hear and render a verdict based on what the Court tells you
12 and the evidence that you hear? That's how we get a fair
13 trial.

14 PROSPECTIVE JUROR: Yeah. I understand that; but I
11:11 15 don't know if I could really, you know, because, you know --
16 it's -- it's --

17 THE COURT: It's a concern for you. Is that right?

18 PROSPECTIVE JUROR: Yes, it is.

19 MR. SCARDINO: Well, I mean, you think you couldn't
11:11 20 give -- if you were a juror, do you have something in the back
21 of your mind that tells you you couldn't be a fair juror, fair
22 and impartial juror?

23 PROSPECTIVE JUROR: I think so, on both sides.

24 MR. SCARDINO: On both sides?

11:11 25 PROSPECTIVE JUROR: Yes.

11:11 1 MR. SCARDINO: Okay. Could you listen to the -- if
2 the judge says, "Listen, this is what you got to do. You have
3 to listen to the evidence and then you have to make a decision.
4 If the government has proven their case beyond a reasonable
11:12 5 doubt, then you convict. If they haven't, then you acquit."
6 Could you follow those rules?

7 I mean, everybody has got some prejudice. The
8 judge is going to ask you to set it aside.

9 PROSPECTIVE JUROR: That's a -- you know, that's still
11:12 10 in the back of my mind. I been wrestling with this here thing
11 since last week. So, it's like, you know --

12 THE COURT: Well, we appreciate you coming forward.

13 Anything further?

14 MR. SCARDINO: No, your Honor.

11:12 15 THE COURT: Okay. Thank you, sir.

16 *(Prospective juror leaves)*

17 THE COURT: All right. Do we have a challenge on 69?

18 MR. COSTA: Government challenges for cause. He kept
19 saying, "I don't know if I could be fair." He couldn't commit
11:12 20 that he could be fair and get this out of his mind, his
21 prejudice and preconceived thoughts.

22 THE COURT: Defense position?

23 MR. SCARDINO: Well, he said it was in the back of his
24 mind; and I think just because he has some concerns about the
11:12 25 government and some of government function doesn't mean he's

1 disqualified in this case.

2 THE COURT: What else?

3 MR. COSTA: I have written him down, "don't know if I
4 could be fair."

5 He said, "Are you going to bring these thoughts
6 into the" -- and he said, "I think so." He repeated -- he just
7 never committed to being fair and impartial.

8 THE COURT: I also remember when I was visiting with
9 him it was almost as if he had a hearing problem. He just --
10 and the man was rambling today. He was just completely
11 rambling. I understand. I'm not demeaning the defense'
12 objection. I understand it.

13 But the challenge to 69 is granted. He's out.

14 THE CLERK: Has a concern, Judge.

15 THE COURT: Just a concern. Ms. M [REDACTED], 73, that's
16 right. When I thought we had got to the 70s -- I know we may
17 or may not need it in the 70s; but for another 15 minutes,
18 let's get them all done. Then, if you want to excuse some
19 other people if you have second thoughts or whatever, we'll
20 have plenty of room.

21 *(Prospective juror enters)*

22 THE COURT: Hi. How you doing?

23 PROSPECTIVE JUROR: I'm good. How are you?

24 THE COURT: Ms. M [REDACTED], have a seat here.

25 Okay. You wanted to visit, right?

11:14 1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Okay. We're a very friendly group here to
3 visit with.

4 PROSPECTIVE JUROR: My concern is actually about my
11:14 5 job.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: They instructed me that they only
8 pay for five days of jury duty, and I simply cannot afford to
9 not be paid for five to six weeks.

11:14 10 THE COURT: Okay. Just tell me a little bit. We need
11 to get something in the record about this.

12 PROSPECTIVE JUROR: I was given our handbook by my
13 supervisor when I told them that this is a federal case and the
14 duration was approximately six weeks. And at that time she
11:14 15 informed me that my company, Boxer, only pays for five days.

16 THE COURT: When you were downstairs when you came in
17 to fill out these forms, did they ask you if there was any
18 other reason, like hardship or whatever?

19 PROSPECTIVE JUROR: At that point I did not know this
11:15 20 was my company policy.

21 THE COURT: I see.

22 PROSPECTIVE JUROR: And on Friday, when I went to work
23 and told them this was a federal case and it was approximately
24 six weeks, they explained to me then that they wouldn't pay for
11:15 25 it.

11:15 1 THE COURT: And that's -- you think it would be on
2 your mind and a concern that might affect your ability to focus
3 on what's going on?

4 PROSPECTIVE JUROR: Yes. Worrying about my mortgage
11:15 5 would be a problem.

6 THE COURT: Okay. Now, you do know that -- in other
7 words -- and this is the way most households are. You depend
8 upon two incomes, I gather?

9 PROSPECTIVE JUROR: Yes.

11:15 10 THE COURT: For -- to keep the household going?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Any questions, Mr. Costa?

13 MR. COSTA: No.

14 THE COURT: Any questions?

11:15 15 MR. SCARDINO: No, your Honor.

16 THE COURT: Thank you, ma'am. You may be excused.
17 We'll see you in a few minutes. Thank you.

18 PROSPECTIVE JUROR: Thank you.

19 *(Prospective juror leaves)*

11:15 20 THE COURT: All right. What do you have to say?

21 MR. COSTA: I think the parties have an agreement to
22 let her go.

23 THE COURT: Is that correct, sir?

24 MR. SCARDINO: That's correct, sir.

11:16 25 THE COURT: All right. Then 73 is excused.

11:16 1 THE CLERK: It's the physical issue, Judge.

2 THE COURT: Oh, yeah. Excused.

3 THE CASE MANAGER: Thank you.

4 THE COURT: Okay. Now, the reason why when you have

11:16 5 this -- you remember this lady, correct? She's wearing the

6 blue outfit? But we've been around picking juries a long time.

7 You look down and you see what's down below. Let's at least

8 get her in. Okay?

9 I want to see what kind of fumes we have around

11:16 10 here in the jury room with all these lawyers. Okay? But I

11 think at least we ought to get her in here so she doesn't feel

12 we're passing her over.

13 MR. SCARDINO: Can we ask Mr. Fazel to step out? He

14 might be wearing some cologne that --

11:16 15 THE COURT: Oh, I'm sorry. Yes, call her in, please.

16 This is Ms. B [REDACTED].

17 *(Prospective juror enters)*

18 THE COURT: Hi, Ms. B [REDACTED].

19 PROSPECTIVE JUROR: Hello. How are you?

11:17 20 THE COURT: Fine. We got a bunch of folks that want

21 to visit with you.

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Couple of things. I know you brought up

24 here that you have a concern as far as allergic reactions. Is

11:17 25 that correct? You wrote down here that you had --

11:17 1 PROSPECTIVE JUROR: Yes.

2 THE COURT: -- some sensitivities?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Like -- you can never tell what's going to

11:17 5 be in an area, is that it? Or what is your concern? I know

6 you wrote it down. If you would just tell us about it.

7 PROSPECTIVE JUROR: My concern is if there had been

8 painting recently, I might have a very bad, you know, almost

9 melting issues.

11:17 10 THE COURT: How about solvents?

11 PROSPECTIVE JUROR: Some.

12 THE COURT: If they used adhesives and things like

13 that to lay carpet and things like that, might that be a

14 concern?

11:18 15 PROSPECTIVE JUROR: Yes, if it's fresh carpet, like if

16 it's been laid the past month or so.

17 THE COURT: Okay. Okay. Barometric pressure, also

18 change in -- in other words, change in the weather. Is that

19 correct?

11:18 20 PROSPECTIVE JUROR: It seems to be. The cold fronts

21 are especially hard sometimes. If it's really bad, I might

22 feel like my eyes are trying to be popped out with ice picks or

23 something.

24 THE COURT: And you've been to a physician, correct,

11:18 25 on this? Have you talked to a physician about it?

11:18 1 PROSPECTIVE JUROR: Yes. With the solvents and stuff,
2 they -- and the paint fumes, they cannot -- or could not at the
3 time test for it.

4 THE COURT: I see.

11:18 5 Okay. Any questions from the government?

6 MR. COSTA: No questions.

7 THE COURT: Any from the defense?

8 MR. SCARDINO: No, your Honor.

9 THE COURT: All right. Thank you, ma'am. Thank you
11:18 10 so much.

11 PROSPECTIVE JUROR: Okay. Anything else?

12 THE COURT: No, ma'am.

13 PROSPECTIVE JUROR: Okay. I think we're down to three
14 or four more people.

11:18 15 THE COURT: That's it.

16 *(Prospective juror leaves)*

17 THE COURT: Now, you notice I didn't look up with the
18 two guys here, the one, the two, the smiling ones. That's
19 right. I didn't even look up.

11:19 20 By the way, we have brand new carpets on the
21 eighth floor and the solvent is still down in some of the areas
22 in front of some of the elevators in the back. We have brand
23 new inner carpets, and you can smell the new carpets. We could
24 always pump that into the courtroom, right?

11:19 25 All right. What's your position on Number 74?

11:19 1 MR. COSTA: No motion from the government.

2 THE COURT: Any?

3 MR. SCARDINO: Well, I mean, you want to agree to
4 excuse her?

11:19 5 THE COURT: By agreement?

6 MR. COSTA: It's not paint, but I don't think we'll
7 get to her. We'll agree. We're not going to get to her
8 anyway.

9 THE COURT: All right. She's excused.

11:19 10 THE CLERK: This is the pilot you wanted to talk to.

11 THE COURT: Oh, yeah. Now, let's talk here again.
12 I'm not putting him in the same category as our medical
13 student. The man is a pilot and we've had -- over the years,
14 we've had folks in all kinds of professions. This is one where
11:19 15 it can be particularly difficult on the individual if we're
16 going to, in effect, ground him for six to eight weeks.

17 I'm not saying we need to agree. I'm going to
18 get him back. But I just want you to -- how much do you want
19 me to go into this?

11:20 20 MR. MCGUIRE: Judge, for what it's worth, my
21 brother-in-law is a captain. And they've got all these extra
22 guys on standby. They've got a lot of extra guys just to --

23 MR. COSTA: Well, we can ask him; but I think under
24 his union contract, I think --

11:20 25 THE COURT: Okay. Let's call him. Let's call him in.

11:20 1 I just wanted to point that out. That's the reason I wanted to
2 call him back, to see if there's any concern with what he does
3 for a living. I'm not looking for an excuse. I'm not going to
4 build up on that.

11:20 5 I tell you what, I'll leave it to you. How about
6 that? Rather than I -- if you have -- whatever questions you
7 right in the areas.

8 *(Prospective juror enters)*

9 THE COURT: How you doing? Captain, right? Have a
11:21 10 seat.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: All right. May have just a couple of
13 questions for you.

14 Government, please.

11:21 15 MR. COSTA: Good morning.

16 PROSPECTIVE JUROR: Good morning.

17 MR. COSTA: I just want to ask you a few things about
18 your job. If you were selected and if this lasted about six
19 weeks, under your contract, would you still get paid? Or would
11:21 20 there be --

21 PROSPECTIVE JUROR: Yes.

22 MR. COSTA: -- any issues with that?

23 PROSPECTIVE JUROR: No.

24 MR. COSTA: I take it there's plenty of backup pilots
11:21 25 they can put in your routes?

11:21 1 PROSPECTIVE JUROR: Yes. And actually, what I do, I
2 don't just fly. I'm actually in charge of the training
3 department for the 757, 767 pilots. So, I have people
4 supporting me underneath; and they're actually -- that's what I
11:21 5 have been doing on breaks.

6 With the merger and the integration, my job is
7 actually splitting. So, it was going to come to an end the end
8 of this month, end of next month anyway. So, we have a
9 mechanism in place to take care of that.

11:22 10 MR. COSTA: I guess every one is inconvenienced with
11 their job, but the question is whether there's any severe
12 hardship. And just let us know if there is. Doesn't sound
13 like it.

14 PROSPECTIVE JUROR: Actually, if this was ever going
11:22 15 to happen, right now is probably the best time.

16 THE COURT: All right. Defense?

17 MR. SCARDINO: No questions.

18 THE COURT: Thank you, sir.

19 PROSPECTIVE JUROR: I do have one minor disclosure,
11:22 20 Judge.

21 THE COURT: Disclose away.

22 PROSPECTIVE JUROR: I have no investigative
23 responsibility; I have no arrest authority; however, I'm
24 deputized by the government to carry a firearm on the airplane.
11:22 25 That's all of that.

11:22 1 THE COURT: Okay. Thank you. Thank you, sir. Thank
2 you very much.

3 *(Prospective juror leaves)*

4 THE COURT: All right. Any challenges on 76?

11:22 5 MR. COSTA: No.

6 THE COURT: Not hearing any?

7 MR. SCARDINO: No.

8 THE COURT: Next one is?

9 THE CLERK: We had a concern.

11:23 10 THE COURT: Oh, we had a concern?

11 Ms. D [REDACTED], please.

12 THE CLERK: You might look at Number 2, Judge.

13 THE COURT: Yeah. I had it tagged.

14 Take a look at -- well --

11:23 15 *(Prospective juror enters)*

16 THE COURT: Hi. How you doing?

17 PROSPECTIVE JUROR: Just fine, sir. How are you?

18 THE COURT: Did you want to talk to us?

19 PROSPECTIVE JUROR: Yes, sir.

11:23 20 THE COURT: Okay. You got a bunch of folks here ready
21 to visit with you.

22 PROSPECTIVE JUROR: Absolutely. I guess it was about
23 2009. Right after Mr. Stanford was incarcerated, it was a hot
24 topic. I was taking a finance group class; and we pretty much
11:23 25 read a lot about it, talked a lot about it.

11:23 1 I made the statement in front of a lot of people
2 that, "Regardless, if I was on the jury" -- it's one of those
3 things you say -- "if I was on the jury, regardless of the
4 evidence, he would be guilty." It's out there. That's the way
11:23 5 it is. I don't want to jeopardize anybody's case, but there
6 are people --

7 THE COURT: Have you changed your mind about that?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Can you be --

11:24 10 PROSPECTIVE JUROR: No.

11 THE COURT: You have not.

12 Okay. Any questions?

13 MR. COSTA: Even with the judge instructing you that
14 you're not supposed to consider anything not presented in
11:24 15 court, you couldn't follow those instructions and --

16 PROSPECTIVE JUROR: Yes.

17 MR. COSTA: -- give everyone a fair shot?

18 PROSPECTIVE JUROR: If somebody beat you with a stick,
19 you come back and say, "Just forget that, don't remember it,"
11:24 20 are you going to?

21 MR. COSTA: That's what I am asking you.

22 PROSPECTIVE JUROR: I can't, no.

23 THE COURT: Okay. Defense, any questions?

24 MR. SCARDINO: No, your Honor.

11:24 25 THE COURT: Thank you, sir. Thank you for coming in.

11:24 1 PROSPECTIVE JUROR: Yes, sir.
2 (*Prospective juror leaves*)
3 MR. SCARDINO: We agree.
4 THE COURT: Agree.
11:24 5 Okay. Next one.
6 THE CLERK: He's a witness, also had a concern.
7 THE COURT: What is this? Is this the last one?
8 THE CASE MANAGER: Yes.
9 THE COURT: Okay. Now we have 80. This is the lady,
11:24 10 the gardener. All right? She said she wanted to come back
11 visit.
12 THE CLERK: And she also knows a witness.
13 THE COURT: And she knows a witness. Oh, yes, the one
14 witness. What's his name?
11:25 15 MR. FAZEL: Arnold Knoche.
16 THE COURT: All right. Ms. L [REDACTED]. Now, by the
17 way, isn't a legume -- isn't that a plant, a bean plant?
18 (*Prospective juror enters*)
19 THE COURT: Hi. How you doing, ma'am? Come on in.
11:25 20 Have a seat, please. We'll all visit together for a few.
21 Minutes. You said you wanted to come back and
22 visit?
23 PROSPECTIVE JUROR: Of course. Of course.
24 THE COURT: Yes, ma'am.
11:25 25 PROSPECTIVE JUROR: Well, there was a question about

11:25 1 the Arnold -- "Knoche" is the way you say it? I don't know.
2 We never say his last name.

3 THE COURT: Okay. You tell me how -- how do you know
4 this gentleman?

11:25 5 PROSPECTIVE JUROR: If I know him, if he's the same
6 Arnold Knoche, tall -- does anybody know if it's the same --

7 THE COURT: Where does he live?

8 PROSPECTIVE JUROR: Tall, older man.

9 I don't know where he lives. At Master
11:26 10 Gardeners, we just know each other mostly by our first names,
11 which -- anyway, the one I know, he's our treasurer, retired
12 accountant, possibly CPA and he's a treasurer of our Master
13 Gardeners. He's in my entomology group, and I very -- I admire
14 him very much. He's a quiet, soft-spoken fellow and seems like
11:26 15 he's easy to push around. So, I don't know. I don't know -- I
16 can't visualize him doing anything aggressive.

17 THE COURT: Government, questions?

18 MR. COSTA: The judge asked you, I think, in court
19 yesterday if you could be fair and impartial in this case and
11:26 20 just judge the case based on the evidence presented in court.

21 PROSPECTIVE JUROR: I have a problem with that. I --
22 people who are financial whizzes are not real high in my book.
23 I don't trust them at all. And I'm afraid I wouldn't -- it
24 would be a long way to go, a tall mountain to get up to the
11:27 25 level where I would consider him as a person.

11:27 1 MR. COSTA: Consider who?

2 PROSPECTIVE JUROR: It's a bias. I have a prejudice
3 against people who are high in finance.

4 THE COURT: Okay. Defense?

11:27 5 MR. COSTA: No more questions.

6 THE COURT: Defense, please.

7 MR. SCARDINO: Yes, ma'am. Were you telling us that
8 you would have a bias and a prejudice?

9 PROSPECTIVE JUROR: I'm afraid so. I thought about
11:27 10 it, soul searched very deeply and tried to figure -- I am
11 usually completely unprejudiced, unbiased, I think, in most
12 situations. But every time I see something where somebody has
13 made a lot of money supposedly, you know, I feel a bias and I'm
14 not -- I don't consider them to be trustworthy.

11:27 15 MR. SCARDINO: If you were a juror in this case, do
16 you think you would carry that bias into the courtroom?

17 PROSPECTIVE JUROR: I'm pretty sure. It would be real
18 difficult for me to be honest and good and give him a chance.

19 MR. SCARDINO: Would you carry it into the jury room
11:28 20 with you, also?

21 PROSPECTIVE JUROR: I don't see how you can leave
22 something like that behind very easily.

23 MR. SCARDINO: This gentleman that you know,
24 Mr. Knoche --

11:28 25 PROSPECTIVE JUROR: Pardon me?

11:28 1 MR. SCARDINO: The gentleman you know, Mr. Knoche --
2 or Mr. "Knoche," whatever it is --

3 PROSPECTIVE JUROR: I don't know how to say his last
4 name. I know how to spell it.

11:28 5 MR. SCARDINO: I think it's K-N-O-C-H-E. His first
6 name is Arnold, isn't it?

7 PROSPECTIVE JUROR: Arnold. I think it's Arnold.

8 MR. SCARDINO: Is that the same guy?

9 PROSPECTIVE JUROR: As far as I know. Fort Bend
11:28 10 County.

11 MR. SCARDINO: Fort Bend County. If he's a witness
12 and you're a juror, would you be able to give his testimony
13 more credibility --

14 PROSPECTIVE JUROR: Yes. Because I know him and I
11:28 15 trust him.

16 MR. SCARDINO: Yes. So, if the government was
17 depending on his testimony to help them try to get a verdict
18 for them, your personal knowledge of this witness would then
19 give him --

11:28 20 PROSPECTIVE JUROR: I'm afraid so. Whatever Arnold
21 says -- I've always admired him.

22 MR. SCARDINO: Thank you, ma'am. That's all I have.

23 PROSPECTIVE JUROR: Whether rightly or wrongly, you
24 know, he's been good to me. And very efficient.

11:28 25 THE COURT: Thank you, ma'am.

11:28 1 MR. SCARDINO: Can I ask --

2 THE COURT: Yeah. Do you need another -- sure. Go

3 on.

4 MR. SCARDINO: Your opinion of Mr. Knoche or "Knoche,"

11:28 5 did you share that with any of the other jurors on the jury

6 panel?

7 PROSPECTIVE JUROR: No. Only what I said yesterday.

8 Unfortunately, it came out. I'm sorry.

9 MR. SCARDINO: I guess you shared it with everybody

11:29 10 come to think about it.

11 PROSPECTIVE JUROR: Need to shut up.

12 MR. SCARDINO: That's all I have, Judge.

13 PROSPECTIVE JUROR: Sorry.

14 THE COURT: That's okay.

11:29 15 PROSPECTIVE JUROR: Foot and mouth disease is rampant.

16 THE COURT: No. Thank you. We'll see you in just a

17 few minutes. We're doing fine time wise.

18 PROSPECTIVE JUROR: Thank you.

19 *(Prospective juror leaves)*

11:29 20 THE COURT: All right. What do we have on 80?

21 MR. SCARDINO: We agree to let her go, Judge.

22 THE COURT: You agree?

23 MR. COSTA: Yes.

24 THE COURT: Okay. What do the numbers look like right

11:29 25 now, Bryan?

11:29 1 Hang on. We're going to tally it up, just
2 basically to see where we are.

3 THE CLERK: 47 is still in the panel, Judge.

4 THE COURT: 47 is in the panel?

11:29 5 THE CLERK: Yes, sir.

6 THE COURT: Is that all?

7 THE CLERK: Right, Ellen?

8 THE COURT: Let's tally it up. Everybody just stand
9 at ease for a couple of minutes.

11:30 10 *(Discussion off the record)*

11 THE COURT: Okay. Where we are right now, the way we
12 figure, Number 47 is in the panel. Okay? Correct?

13 THE CASE MANAGER: (Nodding head).

14 THE COURT: So if we get any hands beyond 47, we don't
11:32 15 need to talk to them unless we knock out somebody from the
16 lower area, correct? And that's with the extra strike for the
17 extra -- what do you call it -- juror.

18 All right. We're going to take a five-minute
19 break. You have restroom facilities here. Also, anybody needs
11:33 20 to use them, go down to the end of the hall, turn left, and
21 there's two restrooms down there. All right?

22 So you want to take five minutes, that's fine.
23 Then we'll get going.

24 Tell the jury we'll be back to them and underway
11:33 25 in about five minutes.

11:33 1 (Recess was taken)
2 (Judge and all parties in court room with jury panel)
3 THE COURT: Thank you. Please be seated. Good
4 morning.

11:42 5 We're been hard at work and appreciate some of
6 you coming in early, but I understand we're missing a juror.

7 Ms. M [REDACTED], Number 73?

8 We talked to her in the back.

9 All right. And everybody has looked for her
11:42 10 outside.

11 I'm going to address this to the marshal service.
12 I'll give you all the information, her address. I'm going to
13 issue a pickup order, an arrest warrant.

14 Okay. I ask you one more question, just one
11:43 15 more. And if we have some hands, we'll visit with you and then
16 we'll be ready to select the jury, allow you to go to lunch,
17 and have it all done when you get back.

18 You've heard what I have said, you've heard and
19 we've considered what you have on your sheets. Okay? If
11:43 20 there's anything else you know of at this time that you need to
21 visit with us about that might affect your ability to serve on
22 this jury, please raise your hand.

23 All right. Keep them up.

24 All right. Keep them up, please, ladies and
11:43 25 gentlemen.

11:43 1 All right. Numbers 7, 12, 30, 28.

2 PROSPECTIVE JUROR: 17.

3 THE COURT: Pardon me?

4 PROSPECTIVE JUROR: 17.

11:43 5 THE COURT: 17.

6 Didn't we talk to you already, ma'am? You got
7 something else you want to talk to us about?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. Number?

11:43 10 PROSPECTIVE JUROR: 38.

11 THE COURT: You already talked to us.

12 You got them?

13 MR. SCARDINO: Yes, your Honor.

14 THE COURT: All right. We'll visit with each of you
11:44 15 just briefly in the back; and then I'll come back out and give
16 you some instructions, give you a lunch break, and then
17 those -- when you come back from lunch, we'll mention who is on
18 the jury, you'll take the juror's oath, and then, more than
19 likely, move downstairs to the permanent courtroom.

11:45 20 And with the concurrence of the attorney, I --
21 remember we were originally 12 plus two alternates -- we're
22 going to seat three alternates. But you're not really
23 alternates.

24 Everybody is going to be -- what is it -- be
11:45 25 fully qualified, but everybody agreed it would be safer to have

11:45 1 three alternates. And, boy, do we have a special seat
2 available for that last juror. That's all I can tell you.
3 Because my jury box seats 14, and you can picture now what I
4 may have in store. It took us awhile hunting through the
11:45 5 storeroom last night, but we got a chair for that 15th juror.

6 All right. So, we'll see you back, I estimate --
7 well, you'll see how long it goes. Some will be quick, some
8 won't. We don't have too many hands. Let's get it done. So,
9 certainly feel free to come in and out if you want to and run
11:45 10 down the hall.

11 Let's see. This is Ms. M [REDACTED]?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: All right. Have a seat.

14 You can withdraw that. Oh, we had some great
11:46 15 facilities available. All right. In any event, we're glad to
16 see everybody back here. And it probably was a problem.

17 In any event, we'll see you all pretty quickly.
18 Okay? We'll get that wrapped up. Thank you for it. I think
19 it's moved pretty quickly under the circumstances.

11:48 20 *(Judge and all parties in jury room)*

21 THE COURT: So, what do we have now?

22 THE CLERK: Seven.

23 THE COURT: Number 7, you want to pull that out there?
24 Pull out Number 7. Yes.

11:49 25 MR. FAZEL: Where are our forms? Can somebody go back

11:49 1 up and get our forms?

2 THE COURT: Hold it a second. If you don't mind, we
3 have some copies. If you don't mind, just pull it for them.

4 MR. SCARDINO: Okay. Ours are all upstairs.

11:49 5 *(Prospective juror enters)*

6 THE COURT: Hi, Mr. L [REDACTED]. Come on in and have a seat.

7 You want to visit with us. Is that correct, sir?

8 PROSPECTIVE JUROR: Yes, sir. I'm concerned about my
9 employment because I work contract. And while I'm up here, I'm
10 not going to be paid and --

11:49 11 THE COURT: Speak up a little bit.

12 PROSPECTIVE JUROR: And I spoke with an HR person at
13 Tenaris, and they couldn't guarantee that I would even have a
14 job if I got placed on the jury.

11:49 15 THE COURT: Let's put it this way. It's a violation
16 of federal law if they interfere with your employment. It's a
17 violation of federal law, and I've called employers down -- it
18 was during -- which was it -- one of the city hall bribery
19 trials. In fact, I remember the lady was Ms. Flowers.

11:50 20 Remember Ms. Flowers?

21 THE CASE MANAGER: Yes.

22 THE COURT: I called the owner of the company down in
23 open court. And that night they were out there before that --
24 you know, with a video camera of his business. So, you're not
11:50 25 going to have any problem there.

11:50 1 But what about compensation? Is there a concern
2 with that, too?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Tell us about it. I don't mean to make
11:50 5 light of it and I did not, because we'll back you up if they
6 interfere if you get picked; but let us consider what your
7 concern is.

8 PROSPECTIVE JUROR: I was laid off in 2010 and hadn't
9 worked for over a year. September I finally got this position
11:50 10 that I am working now. And, like I said, it's contract. So,
11 we're trying to -- I mean, we've just about got caught back up
12 on the home front with the bills and stuff.

13 THE COURT: So, you say you're contract, you're not a
14 full employee?

11:51 15 PROSPECTIVE JUROR: I'm not a full employee.

16 THE COURT: Which may be a different category, as you
17 know. It may be a different category.

18 PROSPECTIVE JUROR: That's why the HR person said they
19 couldn't guarantee anything.

11:51 20 THE COURT: I see. Okay. It is a contract. It's not
21 that other status. That other case I mentioned to you was
22 someone who was a full-time employee of that company. So, I
23 think it's probably different for contract.

24 Government's position?

11:51 25 MR. COSTA: If you were selected on this trial and you

11:51 1 were sitting in that jury box for six weeks, are these
2 financial issues going to be weighing heavily on your mind?

3 PROSPECTIVE JUROR: It could.

4 MR. COSTA: It's possible you would?

11:51 5 PROSPECTIVE JUROR: I would love to do this. I mean,
6 it would -- this is a fantastic chance to see the justice
7 system in -- you know, working.

8 MR. COSTA: Sure. And we understand that, and we
9 appreciate that. But this is your opportunity to tell us if
11:52 10 there's things out there that are going to prevent you from
11 doing the duty as you would like to and paying attention. It
12 sounds like -- are these issues of losing your job and not
13 getting paid, I take it given what happened to you in 2010, is
14 going to be a very serious issue for you?

11:52 15 PROSPECTIVE JUROR: Yeah. Yes, sir.

16 MR. COSTA: I understand that.

17 THE COURT: Okay. Defense.

18 MR. SCARDINO: Just a brief question. I mean, if
19 you're picked, would the concerns about your employment and
11:52 20 your income affect your ability to be a juror and listen to the
21 evidence?

22 PROSPECTIVE JUROR: I mean, I would still attempt to
23 do the best I could.

24 MR. SCARDINO: Well, I think we're all in the same
11:52 25 boat in that regard; but I guess what we're worried about is if

11:52 1 we have something we want our jurors to focus on and listen to
2 that are important to our position in the case, do you think
3 that would be a problem for you or not?

4 PROSPECTIVE JUROR: Yes, sir.

11:52 5 MR. SCARDINO: You think it would be a problem?

6 PROSPECTIVE JUROR: (Nodding head).

7 MR. SCARDINO: Would it be such a problem if the judge
8 said -- gave you some instructions on how you're supposed to
9 look at the evidence that you could listen to his instructions?

11:53 10 PROSPECTIVE JUROR: I don't think so. I mean, I think
11 I --

12 THE COURT: You could do the best you can?

13 PROSPECTIVE JUROR: I would do the best I could.

14 MR. SCARDINO: All right. I don't have anything.

11:53 15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Thank you, sir. You may step out.

17 You want these back in? These are out of order,
18 also.

19 *(Prospective juror leaves)*

11:53 20 THE CLERK: I'll take these back.

21 THE COURT: You can take these back if you want.

22 All right. What's your -- do you have any
23 agreement on this guy?

24 MR. COSTA: No, but the government wants to strike for
11:53 25 cause. He repeatedly said he would not be able to give the

11:53 1 focus needed. He couldn't commit to being able to follow your
2 instructions.

3 THE COURT: Put it this way, does the defend oppose
4 it?

11:53 5 MR. SCARDINO: Actually, we do, your Honor. This is a
6 daunting case for anybody. This man, I can see -- from looking
7 at his juror questionnaire sheet with his background and his
8 educational background, I can see it being daunting for him;
9 and he probably is anxious about sitting on the case. I don't
11:53 10 think that disqualifies him.

11 THE COURT: Again, the government's position?

12 MR. COSTA: He's probably going to lose his job, he
13 said. He's an independent contractor. He's not going to get
14 paid. He was recently laid off and he said under
11:54 15 Mr. Scardino's questioning -- repeatedly, he said, "Can you
16 follow the judge's instructions?"

17 He said, "I don't think so." He said he could
18 not commit to listening to the evidence.

19 THE COURT: What's his number? 7?

11:54 20 THE CLERK: Yes, sir.

21 THE COURT: All right. Number 7 is excused.

22 Okay. The next one is Number 17. This is a
23 lady, the Kinder Morgan purchasing person, been there 35 years
24 with an MBA.

11:54 25 *(Prospective juror enters)*

11:54 1 THE COURT: Hi. Come on in. Here we are. Can't miss
2 this friendly group. You want to come visit with us, there you
3 go.

4 PROSPECTIVE JUROR: Okay.

11:55 5 THE COURT: Yes, ma'am, what do you have?

6 PROSPECTIVE JUROR: In the interest of full
7 disclosure, when you were asking questions, you actually ended
8 up with some broader questions.

9 THE COURT: Some what broader questions?

11:55 10 PROSPECTIVE JUROR: As you went past us, I realized
11 that I had interpreted the questions on the list maybe a little
12 bit narrow.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: So I wanted to disclose that my
11:55 15 brother had worked with Ernst & Young in an accounting capacity
16 and that -- you know, now he's not with them any longer; but
17 now he's CFO of an international private company that actually
18 just deals with medical testing.

19 THE COURT: Okay. What did he do at Ernst & Young?
11:55 20 Do you remember what division he was in or what sort of work he
21 did?

22 PROSPECTIVE JUROR: He did the taxes and the auditing.

23 THE COURT: Domestic?

24 PROSPECTIVE JUROR: Domestic, all domestic.

11:55 25 THE COURT: Okay. Everything else wouldn't change;

11:56 1 you can be fair and impartial on this case?

2 PROSPECTIVE JUROR: Yes.

3 And the other thing is, just to make reference
4 that I was in Antigua on a ship.

11:56 5 THE COURT: Oh, it stopped?

6 PROSPECTIVE JUROR: Of course, it stops at
7 St. Johnston and moves on for a day.

8 THE COURT: Anything about that that would affect you
9 in this case?

11:56 10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: I just wanted to make sure --

13 THE COURT: You been there, you been on the ground?

14 PROSPECTIVE JUROR: Yeah, right.

11:56 15 THE COURT: Government?

16 MR. COSTA: No questions.

17 THE COURT: (Indicating).

18 MR. SCARDINO: No questions.

19 THE COURT: Thank you, ma'am.

11:56 20 PROSPECTIVE JUROR: Thanks.

21 *(Prospective juror leaves)*

22 THE COURT: All right. Any challenge on 17?

23 MR. SCARDINO: No.

24 MR. COSTA: No.

11:56 25 THE COURT: Not hearing any, who's the next one?

11:56 1 THE CLERK: 28.

2 THE COURT: 28? W [REDACTED] B [REDACTED]. Didn't check
3 anything here. Been with them 23 years as an engineer.

4 Was this the industrial engineering guy? He
11:57 5 doesn't have a degree. I'll recognize him if he comes in.

6 *(Prospective juror enters)*

7 THE COURT: Hi. How you doing, sir?

8 PROSPECTIVE JUROR: Good.

9 THE COURT: All right. Have a seat.

11:57 10 PROSPECTIVE JUROR: Thank you.

11 THE COURT: Got a nice friendly group here waiting to
12 hear what you want to visit with us about.

13 PROSPECTIVE JUROR: I just wanted to say, first off, I
14 have no problem of serving on the jury. I just wanted you to
11:57 15 be aware that I have sleep apnea and I tend to -- my head tends
16 to bob around a little bit, and it's not from a lack of
17 attention.

18 THE COURT: Sure.

19 PROSPECTIVE JUROR: But --

11:57 20 THE COURT: Well, do you --

21 PROSPECTIVE JUROR: I was struggling a little bit
22 yesterday, and that started me thinking.

23 THE COURT: With all those stories and everything
24 else, you were still struggling yesterday?

11:58 25 PROSPECTIVE JUROR: Yeah. Well, that's what started

11:58 1 me thinking maybe I should mention this to you.

2 THE COURT: Sure. Well, when you tend to have an
3 onset of some sort of symptoms, does it cut down your listening
4 ability or just your ability to hold your head up?

11:58 5 PROSPECTIVE JUROR: No, sir, just my ability to hold
6 my head up or keep my eyes open. I'll just --

7 THE COURT: But you do hear what's going on?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Questions?

11:58 10 MR. COSTA: No questions.

11 MR. SCARDINO: No questions.

12 THE COURT: Okay. Thank you, sir. Got it. Thanks
13 for coming out.

14 *(Jury not present)*

11:58 15 THE COURT: Off the record.

16 *(Discussion off the record)*

17 THE COURT: Any motions on this man?

18 MR. COSTA: No, Judge.

19 MR. SCARDINO: No, your Honor.

11:59 20 THE COURT: Unless you do things by agreement. If you
21 want to excuse them by agreement, fine. If not, what's the
22 next one?

23 THE CLERK: 38, Judge.

24 THE COURT: 38.

11:59 25 THE CLERK: And we've already visited with her. We

11:59

1 didn't strike her.

2 THE COURT: Hold it, Ellen. Oh, wait a second. Is
3 this the school nurse again?

4 THE CASE MANAGER: Yes, sir.

11:59

5 THE COURT: All right. This is the one who kept
6 talking and talking.

7 *(Prospective juror enters)*

8 THE COURT: How you doing?

9 PROSPECTIVE JUROR: I'm fine. I'm fine. I'm sorry.

12:00

10 Listen, yesterday, I guess, I didn't clarify too many things;
11 but I did double-check. We don't have a -- I'm a school nurse
12 and we don't have subs like teachers do. So, you know, I just
13 wanted to reiterate that this is kind of a burden for me.

14 Plus we do have a student that was just diagnosed
12:00 15 with end stage renal disease, meaning he's going to start on
16 dialysis. So, I have to set up the transportation and things
17 of that nature.

18 And the timing was just a little off for me
19 because I have several pregnant teens that are going to be
12:00 20 delivering the month of February.

21 So, I just came back just to clarify my issues
22 because I know it was a little vague yesterday because I was a
23 little intimidated by all of these people here.

24 THE COURT: Don't be intimidated by these guys.

12:01

25 PROSPECTIVE JUROR: That was it.

12:01 1 THE COURT: Well, would that give you a concern about
2 being able to concentrate if you were sitting on the jury,
3 knowing all this might be going on at your school?

4 PROSPECTIVE JUROR: Well, it's even stressing me right
12:01 5 now.

6 THE COURT: Stressing you right now?

7 PROSPECTIVE JUROR: Right.

8 THE COURT: I mean, is the whole concept of sitting on
9 this kind of a jury stressing to you, generally?

12:01 10 PROSPECTIVE JUROR: No. No. I would -- I would like
11 to contribute my time. It's just that the timing right now is
12 not good for me.

13 THE COURT: Questions?

14 MR. SCARDINO: No, your Honor.

12:01 15 THE COURT: Government have any?

16 MR. COSTA: No, your Honor.

17 THE COURT: All right. Thank you, ma'am.

18 *(Prospective juror leaves)*

19 THE COURT: Can you agree on 38?

12:01 20 MR. SCARDINO: We do.

21 MR. COSTA: We agree.

22 THE COURT: All right. Great. She's excused by
23 agreement.

24 MR. SCARDINO: I thought we agreed to let her go --

12:01 25 THE COURT: No. I was waiting for her. I was waiting

12:01 1 for something. Okay.

2 THE CLERK: 43.

3 THE COURT: Is this the last one?

4 THE CLERK: Last one, Judge.

12:02 5 THE COURT: This is the last one.

6 Oh, yes, Mr. S[REDACTED]. I think he's the one had a

7 hearing problem, he stated. Wasn't it? Among others.

8 Yes, Mr. S[REDACTED], please.

9 *(Prospective juror enters)*

12:03 10 PROSPECTIVE JUROR: Good morning.

11 THE COURT: Hi. Have a seat here, sir, please,

12 Mr. S[REDACTED].

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Okay. You need to talk to us about

12:03 15 something?

16 PROSPECTIVE JUROR: Yes. I plan to go to Boston.

17 THE COURT: You what?

18 PROSPECTIVE JUROR: I had a plan to go to Boston at

19 the end of February. So, my son bought my ticket in

12:03 20 January 10.

21 THE COURT: Did they ask you downstairs when you were

22 signing in if anybody had any tickets?

23 PROSPECTIVE JUROR: I don't have paper, sir, at that

24 time.

12:03 25 THE COURT: Pardon me?

12:03 1 PROSPECTIVE JUROR: I don't have paper to show them.
2 That's why I bring the paper today.
3 THE COURT: Okay. Did they ask you that downstairs,
4 if anybody had any trips scheduled?
12:03 5 PROSPECTIVE JUROR: I don't recollect my memory, sir.
6 I don't know.
7 THE COURT: You don't?
8 PROSPECTIVE JUROR: No, sir.
9 THE COURT: You say you have your papers there?
12:03 10 PROSPECTIVE JUROR: Yes, sir.
11 THE COURT: Okay. Okay. Are these non-refundable
12 tickets?
13 PROSPECTIVE JUROR: I'm not sure, sir.
14 THE COURT: Let's see.
12:04 15 Southwest?
16 PROSPECTIVE JUROR: Yes, sir.
17 THE COURT: Okay. And you're going up there for what
18 reason, sir?
19 PROSPECTIVE JUROR: We have a grandbaby, sir, to
12:04 20 support my son in taking care of the baby.
21 THE COURT: To take care of the baby?
22 PROSPECTIVE JUROR: Yes, sir.
23 THE COURT: You're leaving Tuesday, February 28th,
24 coming back March 3rd. Is that correct?
12:04 25 PROSPECTIVE JUROR: Yes, sir.

12:04 1 THE COURT: All right. Any questions?

2 MR. COSTA: No, your Honor.

3 MR. SCARDINO: No, your Honor.

4 THE COURT: Okay. Thank you, sir. Thank you for

12:04 5 coming and visiting.

6 PROSPECTIVE JUROR: Thank you, sir.

7 *(Prospective juror leaves)*

8 THE COURT: How about 43?

9 MR. SCARDINO: We agree.

12:04 10 THE COURT: Agree? All right. He's excused by

11 agreement.

12 All right. Let's take a look at the math. Is

13 that it?

14 THE CLERK: Fifty is it?

12:04 15 THE COURT: We have 12 strikes going to the defense

16 now, correct? And we have eight strikes going to the

17 government. That's 20, right?

18 We need to put 15 people on the jury. All right?

19 So, that means originally we need 35 jurors. Is that correct?

12:05 20 THE CASE MANAGER: Yes, sir.

21 THE COURT: So, we need 35 people who are not struck.

22 All right. Now, you've got your sheets there. How does that

23 come down?

24 Everybody get their sheets.

12:05 25 And who do you have now on the jury, what jurors?

12:05 1 THE CASE MANAGER: Through 50.

2 MR. COSTA: I have 53, your Honor, if you want to

3 check because there's a lot of people were excused in the early

4 50s.

12:05 5 THE CASE MANAGER: Can we go over the numbers?

6 THE COURT: Sure, read off the numbers and --

7 THE CASE MANAGER: Do you want to read off?

8 MR. COSTA: No. Go ahead.

9 THE COURT: Read off here, we'll correct as we go,

12:05 10 just go slowly.

11 THE CASE MANAGER: 1, 3, 7, 12, 14, 16, 21, 24, 30,

12 32, 33, 35, 38, 43, 46, 49, 51, 52, 54, 57, 58, 62, 69, 73, 74,

13 77, and 80.

14 MR. COSTA: Should be there's 53 if we read the first

12:06 15 35 then that aren't struck maybe.

16 THE COURT: Here's the first 35 we have who are not

17 struck.

18 THE CLERK: It is 53.

19 THE COURT: 53 is in the panel. Is that correct now?

12:07 20 THE CLERK: Uh-huh.

21 THE COURT: Everybody agree 53 is in the panel?

22 MR. COSTA: Yes.

23 THE COURT: Okay. One more time for the lower 53,

24 could you count the folks who you don't -- who are not in any

12:07 25 more? And count down -- again, the people who have -- who are

12:07 1 excused, the numbers again.

2 THE CASE MANAGER: Starting at 1.

3 THE COURT: These are the ones who are not in the

4 panel. You don't -- just keep them off completely.

12:07 5 Go on.

6 THE CASE MANAGER: 1, 3, 7, 12, 14, 16, 21, 24, 30,

7 32, 33, 35, 38, 43, 46, 49, 51, and 52.

8 THE COURT: Everybody agree? Twelve and eight, there

9 are 20 -- okay -- 20 strikes.

12:08 10 Anybody have any questions or anything?

11 Anybody want to strike anybody else by agreement?

12 Who were those extra numbers we had?

13 Michelle, you had a few names there, right?

14 THE CLERK: Yes, sir. Juror Number 13 was the first

12:08 15 owner of the pawn store, Juror Number 39 was the second owner

16 of the pawn store, and Juror Number 65 was the son that went to

17 the ER not too long ago and she was concerned about his health.

18 THE COURT: Okay. So, within the main area, you've

19 got two pawn shop owners, correct?

12:08 20 THE CLERK: Yes.

21 THE COURT: That we -- okay. I'm not just saying --

22 I'm not suggesting one thing or another. You know the two

23 guys. Anybody feel you want to do anything by agreement,

24 there's the area. If not, away we go. I'm just looking at

12:09 25 people who might have been equivocal.

12:09 1 MR. SCARDINO: Let's caucus here for a second.

2 THE COURT: Okay.

3 *(Discussion off the record between counsel)*

4 MR. SCARDINO: We don't agree on any of those.

12:09 5 THE COURT: Okay. They don't agree to anyone. So,
6 that ends it right there.

7 MR. SCARDINO: Your Honor, may I address the Court
8 about a matter concerning jury selection?

9 THE COURT: Sure. Go on.

12:09 10 MR. SCARDINO: At this time, your Honor, we would
11 renew and reurge or motion for change of venue.

12 THE COURT: That's denied.

13 MR. COSTA: Your Honor, just to make sure, these will
14 be part of the record? Because I think it shows that, in fact,
12:10 15 even the majority of the people do not know anything about the
16 case.

17 THE COURT: Yes.

18 MR. COSTA: I want to make sure these are kept as part
19 of the record in case that becomes an issue.

12:10 20 THE COURT: The answer is, yes, it will be kept part
21 of the record, an original clean copy without all of our notes
22 on it.

23 All right. Let's talk about scheduling. It's
24 now 10 after 12:00. I think you may need some time to consult,
12:10 25 if you want to, with your client. You can use the jury room.

12:10 1 The government, I think, has offices downstairs.

2 And that way -- the marshal will have to be
3 present; but at least you can sit and have your client to
4 confer with if you want to, concerning jury selection.

12:10 5 MR. SCARDINO: This jury room --

6 THE COURT: That's correct.

7 MR. FAVEL: -- or your jury room?

8 THE CASE MANAGER: Judge, can we use our courtroom?

9 THE COURT: Okay. You prefer that?

12:10 10 THE CASE MANAGER: Yes, please.

11 THE COURT: Okay. Our courtroom. We'll clean
12 everything out of here. You can use my jury room.

13 All right. With that, you also need time to grab
14 a bite to eat. It's now 10 after 12:00. What time shall we
12:11 15 get the jury back?

16 We're going to have opening statements today.
17 We'll swear them in -- I'll swear them in up here. Okay?

18 THE CASE MANAGER: Yes, sir.

19 THE COURT: Okay. I'll swear them in up here, let
12:11 20 everybody go, then you'll gather them and go down to my
21 courtroom. I'll give them the rest of the jury instructions.

22 MR. COSTA: Will there be a short break to get set up
23 in your courtroom?

24 THE COURT: Well, you want to give all the
12:11 25 instructions here?

12:11 1 THE CASE MANAGER: Sure.

2 THE COURT: I can give all the instructions up here.
3 Then we'll take a short break. You can get them back in. You
4 can then take them down by any elevator and follow up.

12:11 5 Yes, there will be. And, certainly, if you want
6 to set up during the noon hour downstairs -- because we won't
7 be coming back here at all for anything.

8 I'll swear -- take their oath, give them what?
9 About five -- it's about five, maybe maximum 10 minutes of jury
10 instructions.

12:11 11 We'll adjourn, go downstairs, have opening
12 statements; and that will be it for the day.

13 MR. COSTA: So, we have our first witness here. We
14 can tell her to go for the day?

12:12 15 THE COURT: I think so, yeah. What do you think?
16 Let's get the opening statement.

17 MR. SCARDINO: I would agree.

18 THE COURT: Yeah. Is that all right?

19 MR. COSTA: Well, she's just come all the way down
12:12 20 from up north, but -- I mean, but --

21 THE COURT: Well, let's see what the timing -- no, no.
22 It's fine. I agree. That's fine. Let's see how we're doing
23 time wise.

24 What time are we going to get them back?

12:12 25 MR. SCARDINO: Can we have till 2:00 o'clock?

12:12 1 THE COURT: Yeah, that would fine. Is that all right
2 with you?

3 MR. COSTA: Sure.

4 THE COURT: Then you can split up time with
12:12 5 Mr. Stanford down here or upstairs or whatever. You're going
6 to go downstairs anyhow. But, I mean, upstairs, if you need to
7 take him upstairs or -- all right.

8 I guess that's it. We'll just tell the jury to
9 be back up here at 2:00 p.m. We'll announce who's on the jury.
12:12 10 I'll give the whole thing, tell them we'll impanel you, give
11 you the oath, give you some instructions, we'll take another
12 short break, go down to my courtroom, we'll have opening
13 statements.

14 Beyond that, we'll see where we are time wise for
12:12 15 the first day.

16 MR. FAZEL: Your Honor, if it please the Court, if
17 we're going to work with our client as far as jury selection,
18 would it be all right if he stays with us during lunch hour if
19 we can bring sandwiches, is it all right for him to eat
12:13 20 sandwiches with us?

21 THE CASE MANAGER: The marshal said no.

22 THE COURT: I know. We're dealing with a policy, the
23 marshal's policy. If he's downstairs and eats the lunch you
24 prepare upstairs, is that satisfactory? Or he needs to eat it
12:13 25 upstairs? Is that the deal?

12:13 1 A MARSHAL: No, he doesn't have to eat it upstairs.
2 He can eat it anywhere. There is a policy no outside foods is
3 allowed.
4 THE COURT: There is a policy.
12:13 5 MR. FAZEL: I understand.
6 THE COURT: But, yes, if you want to stay down in the
7 jury room the whole time, the marshal will have to be in there;
8 but certainly it's confidential. They're not going to tell me.
9 The strikes are a matter of record anyhow a few minutes later.
12:13 10 So, let's do it that way.
11 MR. COSTA: So, when do we need the strikes in if
12 we're bringing them back at 2:00?
13 THE COURT: Okay. Need the strikes in with this large
14 a panel, 20 minutes.
12:13 15 No, that's not the time up there. That's the
16 incorrect time. It's now quarter after 12:00.
17 Ellen needs the -- all the sheets available at 20
18 minutes to 2:00.
19 THE CASE MANAGER: Yes, sir.
12:14 20 THE COURT: Because usually it's 15 minutes before,
21 but with these many -- does that help you?
22 THE CASE MANAGER: Yes.
23 THE COURT: All right.
24 MR. SCARDINO: I think that's going to be tough.
12:14 25 THE COURT: All right. Hold it a second. Let's talk

12:14 1 about it, then.

2 MR. SCARDINO: It's a lot to do.

3 MR. COSTA: It's more than an hour.

4 MR. SCARDINO: Well --

12:14 5 MR. COSTA: I mean, we assume we already had time
6 overnight to look at the strikes.

7 THE COURT: All right. Let's put it this way. We'll
8 get back in at 2:15, and have your strike lists ready at five
9 minutes to 2:00, if you need a little more time.

12:14 10 At this time 15 minutes is -- we'll just get it
11 done. So, we'll meet you back in the courtroom -- this
12 courtroom, 2:15. We're going to have everybody out of here by
13 2:30, 2:35; and we can pick up downstairs maybe 3:00 o'clock,
14 something like that.

12:14 15 Okay. Let's go back in. Thanks for your work on
16 this.

17 *(Recess was taken)*

18 *(Judge and all parties in court room with jury panel)*

19 THE COURT: Thank you. Be seated.

12:18 20 All right. This is where we're at. We have the
21 base panel. The attorneys have to make their strikes. Each
22 side has a certain number now that they can cross through for
23 whatever reason they want. They're called "peremptory
24 challenges."

12:19 25 But what we were considering before are what they

12:19 1 call "challenges for cause," a reason here or a reason there.
2 It's down now to a list where they can make strikes for any
3 reason they want. A certain number are allocated to the
4 government and to the defense. That's going to take a little
12:19 5 while.

6 The defense wants to confer, of course, with
7 their client and the government with their staff people. And
8 take it from me, this time is pretty accurate, the best we can
9 do. But all we know that when you come back into this
12:19 10 courtroom at 2:15 -- lunch, by the way, if you would, is down
11 on the first floor again. But 2:15, when you come back in at
12 2:15, we will announce who's on the jury. They'll be seated
13 over here, at least temporarily.

14 And we're picking 15 folks. And then, at that
12:19 15 point, everybody else will get some additional instructions
16 and, in effect, basically be excused after that.

17 We'll give the jury their oath. They'll get some
18 initial jury instructions and then we'll adjourn for about
19 15 minutes and the jury and the whole group will go down to my
12:20 20 courtroom on the eighth floor, at which time we'll have opening
21 statements in the trial and it will be well underway after
22 opening statements. Each side has been allotted, I will tell
23 you, 45 minutes to visit with you, basically, as to what the
24 evidence will show -- no jury arguments -- what the evidence
12:20 25 will show.

12:20 1 Then at that point, if we have time today -- and
2 we may not -- we may go over, have our first witness tomorrow,
3 perhaps today.

4 You will see the time goes down. Every time
12:20 5 they're on their feet, that clock will go down. So, that's the
6 best promise I can make to you. We'll hold them to that. They
7 understand that. They're skilled attorneys.

8 And I will say that in all of my years on the
9 federal side, when I've used timing orders, only once has
12:21 10 anyone run over. And that was a complicated non-jury railroad
11 tariff case. It was unbelievable. All of the regulations were
12 as big as phone books.

13 So, it was non-jury, of all things; and I was
14 listening. And there was one group that was an intervenor,
12:21 15 meaning they're an outside group, wanted to become a party to
16 the case. I never had a real feel for what his role was. And
17 as it went along and we were getting near the end, I gave him
18 30 minutes more. But 30 minutes more in over 25 years, pretty
19 good.

12:21 20 Lawyers -- I have a feel for it, they've got a
21 feel for it; and I think we have a pretty good balance. So,
22 that's all I can tell you at the time. They have -- they'll
23 adhere to it. They'll do just fine.

24 But when we give you a time frame, I'm going to
12:21 25 hope that it is as accurate as I can make it. So I'll leave;

12:21 1 and then you-all go down to the first floor, if you would,
2 please. We'll see you back up here, ready to announce who's on
3 the jury at 2:15. We'll see you then.

4 (Recess was taken)

02:18 5 THE COURT: Thank you. Be seated, please. I think we
6 need one extra seat over there, just an extra chair.

7 All right. Ladies and gentlemen, we're to that
8 point right now we're ready to announce who's on the jury. So,
9 as your name is called, if you would please come forward.

02:19 10 The first eight of you will be in the front row.
11 Number 1, go all the way across to the temporary seat that we
12 have over there. So, the first eight, the front row; the next
13 seven in the back row. Ellen will keep track and guide you
14 accordingly.

02:19 15 Go right ahead.

16 THE CASE MANAGER: Juror Number 4, B [REDACTED] F [REDACTED].

17 THE COURT: You can come around -- it might be -- oh,
18 I see. You have plenty of walking room.

19 THE CASE MANAGER: Juror Number 5, J [REDACTED] W [REDACTED]; Juror
02:19 20 Number 8, E [REDACTED] F [REDACTED]; Juror Number 9, D [REDACTED] W [REDACTED]; Juror
21 Number 11, R [REDACTED] N [REDACTED]; Juror Number 15, C [REDACTED] A [REDACTED]; Juror
22 Number 18, R [REDACTED] J [REDACTED]; Juror Number 19, T [REDACTED] M [REDACTED];
23 Juror Number 22, Z [REDACTED] R [REDACTED]; Juror Number 25, M [REDACTED]
24 D [REDACTED]; Juror Number 27, B [REDACTED] W [REDACTED]; Juror Number 36,
02:20 25 L [REDACTED] H [REDACTED]; Juror Number 39, M [REDACTED] M [REDACTED], Juror

02:20 1 Number 41, M [REDACTED] C [REDACTED]; Juror Number 44, M [REDACTED] S [REDACTED].

2 THE COURT: Ladies and gentlemen, those of you that
3 have not been selected, I certainly want to thank you for your
4 service. It wouldn't have been possible but to have all the
02:21 5 citizens down here, all 80 of you, to be available.

6 I will say this. As you know, all 80 jurors were
7 considered by the Court. That's why I didn't stop
8 interrogating at a certain level, we continued on and back.
9 This now completes this portion of your jury service.

02:22 10 I guess this is their is jury service?

11 THE CASE MANAGER: It is, yes, sir.

12 THE COURT: They're done?

13 THE CASE MANAGER: They're done.

14 THE COURT: You're done. One way or another, you're
02:22 15 done, the folks on the jury and the folks in the audience.

16 I will say this. If anybody has any interest in
17 seeing the case, it's down in Courtroom 8A downstairs, which is
18 pretty much full. But we have an overflow courtroom, 8C, where
19 video will be televised just within house to that one location.

02:22 20 I will tell the jurors whenever that video is on,
21 it will not include any photos of the jurors. It's just a
22 wide-angle shot of the bench and the witness box; but it will
23 not include, of course, any of the jurors and their images. In
24 any event --

02:22 25 They don't have to call back in?

02:23 1 THE CASE MANAGER: No, sir.

2 THE COURT: You don't have to call back in. I do
3 really appreciate your being here. Hopefully, in your short
4 visit with us, you've gained a bit of an insight in what the
02:23 5 system is all about.

6 So, with our deep and most appreciative -- it's
7 gratifying -- let me put it this way -- to see so many folks
8 here. Some of the folks we visited with in the back, the
9 dedication and the understanding you have as to the importance
02:23 10 of jury service. It cannot be done -- the justice system,
11 whether you go from the JP court up to the US court to state
12 court, the federal court, at any level, it cannot be done
13 without the participation of the citizens. That's what it's
14 all about, and we thank you for being part of the system.

02:23 15 Ladies and gentlemen, at this time you're
16 excused. You may remain in the courtroom, of course, if you
17 want. I'm going to give some instructions, then move everybody
18 down to my courtroom.

19 Thank you, and good afternoon.

02:24 20 *(Jury panel released)*

21 THE COURT: All right. Ladies and gentlemen, please
22 stand, raise your right hand, take the juror's oath.

23 THE CASE MANAGER: You and each of you do solemnly
24 swear that in the case of The United States against Robert
02:25 25 Allen Stanford, the defendant, you will a true verdict render

02:25 1 according to the law and the evidence, so help you God?

2 THE JURORS: (In unison) I do.

3 THE COURT: Thank you. Be seated.

4 Ladies and gentlemen, it's an honor and a
02:25 5 privilege to welcome you to jury duty. This will be an
6 interesting case tried by some of the best lawyers in the
7 country. Been down here 25 years and it's -- and I can just
8 say it's a significant case, it's an important case.

9 But do remember every case is important to the
02:25 10 litigants, whether it's in this court or a family court, a
11 juvenile court, a justice of the peace court, or a traffic
12 court. But you have, I think, the honor and the privilege to
13 sit on probably a very significant and interesting and
14 well-trying case.

02:26 15 The preparation has gone on for a long time.
16 I've narrowed it down as tight as I can as far as ruling on as
17 much as I can in advance of trial. Keeping in mind if there's
18 matters that come up that have not been subject to a prior
19 ruling, the time keeps running on the individual defendants.

02:26 20 I'm now going to give you the standard
21 instructions that are given to all jurors in federal cases.
22 Everybody, all judges, have their own little version; but this
23 seems to work.

24 I'm sure the first thing on your mind is how long
02:26 25 are you going to be here. It's anticipated that this case will

02:26 1 take, plus or minus, six weeks.

2 The -- we operate on the following schedule. We
3 begin at 10:00 a.m. in the morning and adjourn at 6:00 p.m. in
4 the evening. We take a lunch break from about 1:00 o'clock to
02:27 5 2:15. We take a break about every hour and a half as the
6 evidence goes on. We break routinely between, I'd say,
7 6:00 o'clock, plus or minus, either way; and we break for lunch
8 1:00 p.m., plus or minus, either way.

9 You've taken -- oh, a couple of things. First of
02:27 10 all, I do permit you to take notes. So, there will be pads
11 available for you; but keep in mind if I need anything read
12 back as to its accuracy, I'm going to ask my court reporter to
13 read it back, not from your notes.

14 So, the notes are only for you. And when you
02:27 15 begin your jury deliberations, I always state that if there's a
16 deviation between what you remember and what your notes say, we
17 always ask you that you rely on your recollection.

18 The -- as I say, in federal court, it's not like
19 state court to the extent that only the judge does the
02:27 20 sentencing. So you're not to speculate in any way relative to
21 that.

22 But after the case is over, I will come back and
23 visit with you in the jury room for as long as you would like.
24 I'll take my own notes. I keep notes up here on a white pad or
02:28 25 down in my courtroom and I go over those notes and I tell you

02:28 1 what went on sometimes either before the case or when you are
2 out of the courtroom and we're doing matters. I make the
3 notes, and then we visit about that later on.

02:28 4 As you will note also, we've decided that there
5 are 15 jurors. And at the end of the trial completely, three
6 names now will be drawn out of a box at random. So, just
7 because you're seated in a certain seat doesn't mean that
8 you're an alternate juror.

02:28 9 And, again, we have a surprise in store for
10 Number 1 juror when we get downstairs. He's got to make the
11 first major decision of the trial. And you will see what it is
12 when you get down there.

02:29 13 So, when I say "everybody be seated" when we get
14 downstairs, it's not going to include Juror Number 1 because
15 he's got to make a major decision that may have an impact on
16 this case. So, it's solely our Number 1 juror. And you'll see
17 what it is downstairs.

02:29 18 You stated -- you've taken an oath which states
19 you are going to decide this case on the evidence and the
20 evidence alone. Therefore, at this time I want to visit with
21 you about that.

02:29 22 First of all, we don't want you to determine who
23 you like and who you dislike and decide the case accordingly.
24 Therefore, you'll have no contact with anyone related to the
25 case. Of course, you may say "good morning" or "good

02:29 1 afternoon" to them as you pass them in the hall; but you may
2 say nothing further. And you're certainly not to accept from
3 nor extend to anyone related to this case any favors, however
4 slight.

02:29 5 When you get home this evening, I'm sure you'll
6 be asked by your friends and family if you've been selected to
7 serve on a jury. Of course, you may tell them that you are;
8 but you may say nothing else. Because if you do, they may make
9 a comment that has no relevance whatsoever to the evidence in
02:30 10 this case but might affect your thinking in this matter. So,
11 you're not to discuss this case with anyone, including your
12 fellow jurors, until the end of the case, until I give you the
13 instructions, until you hear the summation of the attorneys, we
14 select the alternates, and then the remaining 12 commence
02:30 15 deliberations.

16 You'll notice downstairs we have a phone in our
17 jury room. Certainly, it may be used for short calls while
18 you're in there. You're not to make any private investigation
19 concerning this case. You're not to talk to your own lawyer or
02:30 20 anyone else you think might have expert knowledge. Simply
21 listen to the case as it's presented to you in court and make
22 up your mind based on that evidence and that evidence alone.

23 I also want to mention to you that we appreciate
24 your employer being understanding in this case. If you have
02:31 25 any problem whatsoever with your employer, in most cases, not

02:31 1 all, in most cases -- and it applies if you are a regular
2 employee of an individual or a company -- there is a federal
3 law on this and, if you have any problem whatsoever, you're to
4 report it to my case manager, who will then pass it on to me.

02:31 5 And I'll take care of it. Okay?

6 You're to be down here to -- what is it -- to
7 consider this case; and again, we appreciate you all being
8 here. If you have any problems during the course of the trial,
9 please let a member of the staff know. And should you be
02:31 10 delayed arriving in the courtroom for any reason, give us a
11 call.

12 During your first break downstairs, Ellen
13 Alexander, the case manager, will give you the numbers to call
14 if you have any problem, something like a medical emergency or
02:31 15 a car breakdown, something like that. But we can't do anything
16 without all 15 of you here. So, you do need to give us a call
17 if you run into any problems or are running late unexpectedly.

18 We take a break, as I say, about every hour and a
19 half. If anybody needs to take a break at any time -- the
02:32 20 attorneys know this also -- let me know. We can always take a
21 10-minute break. No big deal. It happens in every case.

22 I will say this to the attorneys and any of the
23 paralegals and to any of the enforcement officers. You're free
24 to go in and out of the courtroom at your leisure during
02:32 25 testimony and during examination, except, of course, the

02:32 1 attorneys in charge. And if the attorney's actually examining
2 and if you need a break at that time for any reason, let us
3 know.

02:32 4 If at any time you can't hear, let me know by
5 putting your hand to your ear or raise your hand or let the
6 marshal know. And we have brand new sound system in
7 downstairs, brand new. It's -- this is the first trial, in
8 fact, on the new system, I believe. And we can -- it may take
9 us awhile, but we'll find the correct dial. I even have a pad,
02:33 10 a touch pad, which is new to me.

11 You know, I -- my -- I don't have a BlackBerry.
12 My BlackBerry is this. Okay? It's just a pad. So, I do have
13 a telephone with text messaging. So, they've been running me
14 through; and Ellen has a good hand on which button to press.
02:33 15 So, if any of the sound or the video goes down, we can take
16 care of that.

17 When you return from each break, whenever you
18 take a break, you'll gather back in the jury room. You're free
19 to leave if it's a longer break. There are restrooms, of
02:33 20 course, in the jury room. But you're to assemble back there,
21 and then the marshal will request that you return into the
22 courtroom. At the end of each break, everybody remain standing
23 until we're all in place, then we'll be seated at the same
24 time.

02:33 25 Also, as you will note, the federal courthouse is

02:34 1 a smoke-free facility. Should you desire to smoke, you're
2 certainly free to do so outside of the building during your
3 breaks.

02:34 4 Keep in mind both sides -- that is government is
5 an entity, as is the defendant, who happens to be an
6 individual -- have waited for awhile to get this case to trial.
7 After we're done, we go back to our occupations, go home, of
8 course, I go on to my next case, the attorneys go on to their
9 next case. But for the individuals involved, the government,
02:34 10 the United States as an entity, and Mr. Stanford, this is their
11 day in trial. This is what the system is all about. And
12 that's why your service and your attention are so greatly
13 appreciated, because this is it, this is it for these people.
14 We go on, you know, back to -- back to the private lives or on
02:34 15 to our next case; but for these people, it's it and that's what
16 you are here for and that's what I'm here for and the attorneys
17 are here for.

18 I hope you'll enjoy your jury service with us. I
19 assure you we're going to try this case as quickly as possible.
02:35 20 And even though there's a time running on the attorneys after
21 the opening statement, if I think that they're going over the
22 same things over and over, I'll talk to them at the bench or
23 I'll just say to the counsels, "Move on." So, we've got sort
24 of a double-check on that. We have the clock, and we have the
02:35 25 judge. But hopefully I won't mix in as much with experienced

02:35 1 lawyers and the case is ready to go.

2 The first thing we're going to do is to have an
3 opening statement. An opening statement is literally and only
4 what the evidence will show. So, if they go into what they
02:35 5 call jury argument, you're going to hear the other side get up
6 and object, "That's jury argument." So keep in mind it's just
7 a roadmap of what the evidence will show.

8 What we're going to do at this time, we're going
9 to adjourn. It's now -- what is it -- 25 minutes to 3:00.

02:36 10 How much time do we need?

11 THE CASE MANAGER: Could I have 15?

12 THE COURT: All right. Ellen will come from her chair
13 here right in front of you and give you some instructions, how
14 to get down to the eighth floor, what elevators to take -- or
02:36 15 maybe the marshal can set one aside. I don't know if we can
16 get 16, 15 people in there. But we'll get you down to the
17 eighth floor and then into your jury room that, I guess, will
18 kind of be your home for the next few weeks.

19 Again, with our appreciation, I will see you
02:36 20 downstairs, ready for opening statements, in 15 minutes.

21 At this time, the court stands adjourned.

22 *(Recess was taken)*

23 THE COURT: Thank you. Be seated. It is warm. Did
24 you call them down already?

03:03 25 *(Sidebar with court staff)*

03:03 1 THE COURT: Okay. We're going to try to get the
2 temperature turned down.

3 All right. Let's call the jury in.

4 (*Jury present*)

03:04 5 THE COURT: Everybody but Mr. F [REDACTED] may be seated.

6 No, not yet. No. No. I'm talking to
7 Mr. F [REDACTED].

8 All right. Now, Mr. F [REDACTED], you have -- you're
9 going to be in those first seats. What I want you to do is to
03:04 10 sit in each seat and see which you prefer. We have kind of one
11 Lazy Boy and the other straight up and down. You tell me.

12 A JUROR: I think I'm going to take this one.

13 THE COURT: I figured. Let the record reflect --
14 because everything is going to go up to the circuit -- he
03:05 15 picked the modified Lazy Boy.

16 By the way, you can't rock it back too much; but
17 on your right side down there, you see there's a little switch?
18 It can go back a bit. And if you don't like that chair, you
19 can switch off with another juror.

03:05 20 No, you need to sit up. If you're going to rock
21 it back, not that -- all right. Thank you.

22 Thank you for bearing with us. I think that it
23 is important relative to the jury that we have 15, if we can.
24 So, we appreciate it. What we were going to do, if we had more
03:05 25 time -- the jurors just mentioned to me -- the attorneys, that

03:06 1 they would prefer 15 rather than 14. In some situations we can
2 build on a couple of seats on the far end, but it takes time to
3 construct. So, hopefully that's satisfactory; and if it's not,
4 let us know because you may have some of your colleagues that
03:06 5 want to switch off from time to time. It's their area, too.
6 But you can retain it as long as you'd like.

7 All right. Ladies and gentlemen, the first thing
8 we'll do -- and, of course, I've got the timer here -- opening
9 statement --

03:06 10 *(Sidebar with court staff)*

11 THE COURT: Oh, that's right. I'm sorry. The first
12 thing we're going to do is the indictment.

13 So, Mr. Scardino, any problem with just
14 summarizing the indictment?

03:06 15 MR. SCARDINO: Not at all, your Honor.

16 THE COURT: Very well. The Assistant US Attorney,
17 Mr. Costa, will summarize the indictment. I will then ask
18 Mr. Stanford, on his own behalf or his lawyer may answer, how
19 he pleads to all of the counts alleged in the indictment,
03:06 20 keeping in mind an indictment is no evidence of guilt. It's
21 the charging mechanism that we have to get to today in front of
22 a jury.

23 Go right ahead, sir.

24 MR. COSTA: Thank you, your Honor.

03:07 25 The grand jury returned an indictment charging

03:07 1 Mr. Stanford with 14 counts. The indictment lays out an
2 introduction, and the general allegation is that Mr. Stanford
3 was selling certificates of deposits, or CDs, through his bank
4 in Antigua, called Stanford International Bank. Houston was
03:07 5 the headquarters for the US sales force that sold those CDs in
6 The United States.

7 And the fraud allegation is that Mr. Stanford
8 sold those CDs to bank clients based on a number of
9 misrepresentations or false statements, including a
03:07 10 misstatement about how the bank invested the depositor's money,
11 whether the bank had sufficient assets to pay back the CD
12 depositors, whether Mr. Stanford had put some of his own money
13 into the bank to strengthen it, and whether the outside auditor
14 and regulator down in Antigua were actually verifying the
03:08 15 bank's investments as Mr. Stanford claimed they were.

16 The first count, based upon that fraud
17 allegation, is conspiracy to commit mail and wire fraud, that
18 Mr. Stanford joined with others to engage in this scheme.
19 Counts 2 through 6 is wire fraud allegations, and the wires
03:08 20 alleged are various faxes and e-mails and bank wire transfers.

21 Counts 7 through 11 are mail fraud allegations,
22 and the alleged mailings are the CD subscribers' applications
23 and checks that were mailed from Houston, when they wanted to
24 buy a CD, down to the bank in Antigua.

03:08 25 Count 12 alleges that Mr. Stanford engaged in

03:08 1 another conspiracy; that is, he joined with others to obstruct
2 an investigation into his bank by the Securities & Exchange
3 Commission. And the allegation there is that Mr. Stanford was
4 bribing a regulator down in Antigua who would interfere with
03:08 5 the SEC's ability to get information about his bank.

6 Count 13 is an allegation that he actually did
7 obstruct that investigation by the Securities & Exchange
8 Commission.

9 And Count 14 alleges a conspiracy to engage in
03:09 10 international money laundering. And the basic allegation there
11 is that Mr. Stanford and his bank were sending money from the
12 United States to foreign countries and back from those foreign
13 countries back into the United States, all to help further the
14 sale of these CDs and his fraud scheme.

03:09 15 THE COURT: All right. As to all of the 14 counts, I
16 ask the defendant, how do you plead: guilty or not guilty?

17 THE DEFENDANT: I plead not guilty to every count.

18 THE COURT: Thank you, sir.

19 All right. We're ready to begin. Forty-five
03:09 20 minutes each side.

21 Go right ahead.

22 MR. COSTA: Thank you, your Honor.

23 Good afternoon. A child's college education, a
24 loved one's future medical bills, a comfortable retirement
03:10 25 after a lifetime of working, those are some of the reasons that

03:10 1 people save their hard-earned money and those are some of the
2 reasons that thousands of people, including a number who work
3 and live right here in our community, try to save their money
4 by depositing it in a bank in the Caribbean that was created,
03:10 5 owned, and managed by the man sitting right over there, the
6 defendant, Mr. Robert Allen Stanford.

7 Some people trusted Mr. Stanford with their
8 entire life savings based on his promises to them that he was
9 putting their money in safe, conservative low-risk investments
03:10 10 that can be turned back to cash in just a few days.

11 By the end of the day, over \$7 billion in
12 hard-earned savings was entrusted to Mr. Stanford. This trial
13 will show you what Mr. Stanford did to those people who put so
14 much trust in Mr. Stanford and his bank. He told them lie
03:11 15 after lie after lie. He stole from them, taking their hard
16 earned savings so he could live the lavish lifestyle of a
17 billionaire. And he bribed the people whose job it was to
18 detect such fraud so that his scheme was able to last more than
19 20 years.

03:11 20 Lying, stealing, and bribing, it's those three
21 things that the evidence you hear and see in this case is going
22 to show over the next several weeks. You will see how
23 Mr. Stanford lied to the bank's depositors, tricking them into
24 turning over their savings because they thought the money was
03:12 25 going to safe, conservative, low-risk investments. You'll see

03:12 1 how he treated that depositors' life savings like his own
2 personal piggy bank, using it to pay for his own private
3 commercial airline down in the Caribbean, for his own yacht,
4 and for his own personal hobby of funding cricket matches with
03:12 5 million-dollar prizes.

6 And you'll see how he bribed the auditor and
7 regulator down in Antigua so that they would look the other way
8 and not do their job, which was to make sure that the bank was
9 giving depositors accurate information.

03:12 10 Now, before I talk more about Mr. Stanford's
11 lies, his theft, and his bribes, I wanted to take a few minutes
12 to talk to you about the history of Mr. Stanford's bank, about
13 the products he sold, and about how he sold them.

14 Ms. Alexander, could I get the screen, please?

03:13 15 Mr. Stanford started his bank in 1985. And at
16 first it was called Guardian International Bank. And
17 Mr. Stanford started it in a tiny island on the edge of the
18 Caribbean called Montserrat, the very eastern edge of the
19 Caribbean. And although the bank was based in Montserrat,
03:13 20 you'll see that in the Eighties, Mr. Stanford's office was
21 right here in downtown Houston, just a few blocks from where we
22 are right now, in a downtown skyscraper on Milam; and that's
23 where he had most of his sales force.

24 Now, from the beginning, Mr. Stanford said his
03:13 25 bank was different from most neighborhood commercial banks that

03:13 1 you probably drive by every week on the street corner. It
2 wasn't a bank where you could open up a checking account or a
3 savings account. Instead, he sold one main product, a
4 Certificate of Deposit. They're known as "CDs." And a CD is
03:14 5 where you deposit money in the bank for a certain amount of
6 time -- maybe a year, maybe three years, maybe five years --
7 and the bank, in return, says it will pay you a guaranteed
8 interest rate and then you take your money -- you can take your
9 money out after those certain number of years.

03:14 10 A CD is considered one of the safest, most
11 conservative and lowest-risk investments out there; and that's
12 exactly how Mr. Stanford advertised his CDs, as safe,
13 conservative, low risk. And Mr. Stanford said he would pay --
14 he typically offered interest rates that were about two points
03:14 15 above what US banks were paying, and that's how he tried to get
16 so many people to invest with him.

17 Now, Mr. Stanford's bank was also different in
18 what it said it did with the money that was being deposited in
19 the bank. Mr. Stanford, for years, decades, said, "I don't
03:15 20 loan the money out to people who want to buy a car or who want
21 to buy a house or maybe someone who has a great idea to start a
22 new business." And, so, he said the depositors didn't have to
23 worry about the risks that comes with that money being loaned
24 out, the risk that the money won't be repaid, that the business
03:15 25 will fail, that someone won't be able to make their mortgage

03:15 1 payments.

2 What he said he did with the money was he gave it
3 to expert money managers located all over the world. And they
4 didn't loan it out. They invested it in a diversified
03:15 5 portfolio of stocks and bonds. And I'm going to talk in a few
6 minutes -- that was one of the big lies of Mr. Stanford's bank
7 and of his scheme, because actually only a tiny little sliver
8 of the money was going to those expert money managers. And
9 because of that, Mr. Stanford wasn't earning money on these
03:15 10 investments to pay those interest rates he was promising.

11 So, from the very beginning, there was a catch to
12 Mr. Stanford's bank and to his scheme. It could last only so
13 long as he had more new money coming in each year and new CD
14 sales than he was paying out to people who had bought CDs in
03:16 15 the past. So, what he needed was constant growth. He had to
16 keep growing the amount of money coming in the door so he could
17 pay off those CDs he sold in the past.

18 And you'll see that Mr. Stanford was very
19 aggressive in his sales, and he was able to accomplish that for
03:16 20 a number of years. And a few years after he started the bank,
21 by 1988, it had gotten larger and he decided he needed help in
22 carrying out his fraud. And he didn't just put a want ad in
23 the paper or start accepting resumes from random people. No,
24 he knew for this job he needed someone he could trust, who
03:16 25 would be loyal to him, who would follow his orders even if

03:16 1 those orders were to commit fraud. And he found that person in
2 his old college roommate from Baylor in the 1970s, a man named
3 Jim Davis.

03:17 4 Mr. Davis was an accountant. Mr. Stanford hired
5 him in 1988, and eventually made him the chief financial
6 officer, or CFO, of the bank's operations. And you're going to
7 see that in hiring his old college roommate, who he knew would
8 be loyal, who he knew would follow his directions, Mr. Stanford
9 got that loyalty he was looking for, because for the next
03:17 10 20 years Mr. Davis helped him commit this fraud.

11 Now, a couple of years after he hired Mr. Davis,
12 in 1990, Mr. Stanford had his first big problem. That tiny
13 island of Montserrat kicked him out. It took away his banking
14 license. And what did Mr. Stanford do -- Montserrat told him
03:17 15 there were a number of problems with the bank and that's why
16 they were revoking his license.

17 Did he try to deal with any of those problems?
18 No. He just decided to hop one island over from Montserrat to
19 another island in Caribbean, called Antigua, and moved the bank
03:18 20 to Antigua in 1990 and didn't address any of the problems that
21 Montserrat had with the way he was running his bank.

22 In 1994, Mr. Stanford changed the name of the
23 bank. Remember I said it started out as Guardian? In 1994, he
24 decided to change the name to Stanford; and the evidence is
03:18 25 going to show that that was really the perfect name for the

03:18 1 bank because the bank was there to enrich Mr. Stanford
2 personally.

3 Remember I told you the catch to his scheme was
4 he had to keep bringing in new money? Each year it had to be
03:18 5 more than the amount that was going out, so he could keep
6 repaying people, to keep the scheme going. In 1995, he took a
7 big step in that direction. He started another company called
8 Stanford Group Company. Their offices ended up on Westheimer
9 here in Houston, right across from the Galleria.

03:18 10 And this company was what's called a broker
11 dealer. That basically means they're stockbrokers. And
12 Mr. Stanford had a number of these employees. They were called
13 financial advisors and you could go to them and you could buy
14 all types of investments. You could buy Exxon stock or Apple
03:19 15 stock. You could buy a mutual fund. But Mr. Stanford gave
16 them the incentive to sell one product over all others, those
17 CDs from his bank down in the Caribbean.

18 And because Mr. Stanford needed not just a lot of
19 money coming in each year but to limit the amount he had to pay
03:19 20 out each year, he paid big commissions to those financial
21 advisors not just for selling the CDs in the first place but
22 also if they kept their clients from pulling the money out, so
23 that each year the client kept the money in the bank they got a
24 commission for that as well. And that worked for Mr. Stanford.
03:19 25 These brokers were out there selling the CDs, and the money

03:19 1 coming in the door continued to grow.

2 In 1998, he took another big step in that
3 direction. For the first 13 years of his bank, even though he
4 had that downtown office just a few blocks from where we are in
03:19 5 Houston, he didn't sell the CDs in the United States. He
6 didn't want to be subject to US banking regulations. So, he
7 sold them mostly in Latin American countries, like Venezuela
8 and Mexico and Columbia.

9 But by 1998, that desire he had to avoid US
03:20 10 regulation, it gave way to an even bigger need that his scheme
11 needed to keep going, and that's that need to bring more money
12 in the door. He finally knew, to keep the money coming in,
13 more money than he had to pay out, he had to sell in the United
14 States.

03:20 15 In 1998, he filed papers with the Securities &
16 Exchange Commission to start selling those CDs here in the
17 United States. And tapping the US market worked. For the next
18 10 years, until 2008, more money was coming in the door each
19 year in new CD sales than he was having to pay out. And by the
03:20 20 end of 2008 -- that's where that \$7 billion comes in -- over
21 \$7 billion in savings had been deposited in his bank to buy
22 these CDs. And you're going to hear a lot in this case about
23 phoney, made-up numbers. But that number, that \$7 billion of
24 people's savings that was sitting there deposited in his bank,
03:21 25 that Mr. Stanford owed back to those people who had saved it,

03:21 1 that's a real number, \$7 billion.

2 How did Mr. Stanford get so many people to give
3 him so much of their savings? Well, that's where the lying
4 comes in. And we're going to be talking in this case about a
03:21 5 lot of lies Mr. Stanford told to trick people into buying the
6 CDs. I just want to talk about two in this opening statement.

7 The first is Mr. Stanford lied to his depositors
8 about what he was doing with their money, one of the things
9 depositors care most about. And you'll see Mr. Stanford put

03:21 10 out promotional brochures for his bank. Every year the bank
11 would come out with an annual report that talked about how the
12 bank was investing its money. And then, remember those

13 financial advisors who were selling the CDs here in the United
14 States? There were training manuals that told them what to

03:22 15 say. So, in all these various publications, Mr. Stanford was
16 advertising his CDs, he was telling people how they could trust
17 him, if those words were to be believed.

18 And what was the first thing he said about what
19 the bank was doing with their money? Talked about liquidity.

03:22 20 And what is liquidity? It's the ability to turn an investment,
21 an asset, quickly into cash. That makes it liquid. Something
22 is liquid if, in a few short days or a few short hours, it can
23 be turned into cash.

24 And he said the bank focuses on liquidity. The
03:22 25 bank's assets are invested in a well diversified portfolio of

03:22 1 highly marketable securities issued by stable governments,
2 strong multinational companies, and major international banks.

3 Highly marketable securities, what does that
4 mean? Well, it means that -- "securities" are stocks and
03:22 5 bonds; and "marketable" means there's a public market, like the
6 New York Stock Exchange, out there. And the reason that
7 matters for liquidity is, if you have a stock that's traded on
8 one of these markets, like Exxon stock, like Apple stock, you
9 could call your broker right now and it would be sold on the
03:23 10 stock market and, by the time you got home, that money would be
11 back in your account as cash. Just like that, you can turn it
12 into cash.

13 And Mr. Stanford said, "I'm investing in those
14 types of assets that can be turned into cash, like that." And
03:23 15 why does that matter? If someone wants to redeem their CD,
16 these investments can be turned into cash, they can get their
17 cash back.

18 Now, real estate, for any of you who've ever
19 tried to sell a home, you know that real estate isn't liquid
03:23 20 like that. You may have your home on the market for a number
21 of months. You might have to take it off the market and wait a
22 couple of years because no one is paying the price that you
23 want to sell it for. And that's even more true for big
24 commercial real estate because there's not as many people out
03:23 25 there who are willing or have the money to buy those types of

03:24 1 big real estate investments.

2 But you see Mr. Stanford's CD depositors, they
3 didn't think they had to worry about the difficulty in turning
4 real estate into cash. Because they thought they were in these
03:24 5 liquid investments.

6 What else did Mr. Stanford tell his depositors?
7 Global investment strategy, global -- the bank's global
8 investment strategy minimizes exposure to any one regional
9 market, the money was invested around the world, again, to
03:24 10 minimize risk; so, that it was a conservative, low-risk
11 investment that was invested around the world.

12 And who was investing this money? Mr. Stanford
13 said that -- I think I told you earlier -- he had this team of
14 expert money managers who were overseeing the investments,
03:24 15 people at fancy banks in Europe, sophisticated money managers
16 who were deciding what to invest this money in and they were
17 the ones who were putting it in these liquid stocks and bonds,
18 they were the ones who were deciding it should be invested all
19 around the globe and not just in one area, to minimize that
03:25 20 risk.

21 What was the third thing Mr. Stanford said about
22 the bank's investment strategy? The bank does not expose its
23 customers to the risks associated with commercial loans.
24 What's the risk associated with loaning out money? Well, that
03:25 25 it won't be paid back. But again, Mr. Stanford's depositors

03:25 1 thought they had no reason to worry that people wouldn't pay
2 back their loans, because he said, the bank, it doesn't make
3 those loans. It's investing with these expert money managers
4 in stocks and bonds diversified around the world. That's what
03:25 5 he told them.

6 But that's the first big lie of Mr. Stanford's
7 bank. Because the truth was only a tiny sliver of the
8 depositor's money was given to those expert money manager.
9 Typically less than 10 percent was handed over to his expert
03:25 10 money managers to put in stocks and bonds that were diversified
11 around the world.

12 There was a woman in Memphis. Mr. Stanford had a
13 woman in Memphis, the chief investment officer. Her name was
14 Laura Pendergest. And he said that she oversaw all these money
03:26 15 managers, she tracked the money to make sure it was doing well,
16 and overseeing what all these expert money managers were doing.
17 But the truth is that just a tiny sliver, that 10 percent or
18 less, was given to those global money managers.

19 It was just a facade. Having this chief
03:26 20 investment officer, Ms. Pendergest, it was just for
21 appearances. Because putting just 10 percent of the money with
22 those money managers could never have earned the types of
23 returns Mr. Stanford claimed the bank was making.

24 And what the depositors were never told is that
03:26 25 Mr. Stanford separated or segregated their money into three

03:26 1 separate tiers. Tier I was cash. And if you look on that
2 chart, that's the -- what's in red is -- by the end of 2008,
3 Mr. Stanford said he had over \$8 billion in assets. And I
4 know -- I'm trying to limit the amount of numbers I throw out
03:27 5 here.

6 I said that \$7 billion was owed back to the
7 depositors. Well, you see, a bank needs to show that it has
8 more money than it owes back to the depositors. It needs to
9 show it has a cushion there. And by the end of 2008,
03:27 10 Mr. Stanford was reporting he had over \$8 billion on the bank's
11 books that it could -- so it was okay to pay that 7 billion
12 back. But the truth was that Tier I of cash was a tiny sliver,
13 typically less than 5 percent, of all that money.

14 Tier II, that's the money that was invested in
03:27 15 that tiny sliver. It was invested, just for appearance's sake,
16 with the global money managers, the way the depositors thought
17 all their money was being invested. That's that sliver of
18 yellow.

19 And by 2008, the Tier I, the cash and the money
03:27 20 with the global money managers, was only 8 percent of what the
21 bank said it had. That 92 percent, which is the hollow cube,
22 was not -- was undisclosed. It wasn't invested like the
23 depositors were being told.

24 So, what -- where did that 92 percent of the
03:28 25 money go? Well, billions of dollars were simply gone

03:28 1 because -- remember what I said -- over the years, Mr. Stanford
2 had to use that new money each year to pay back the old
3 depositors. And he was paying these interest rates he wasn't
4 really earning; so, lots of it was just gone, used to keep the
03:28 5 scheme going.

6 And the other biggest part of that Tier III, over
7 \$2 billion by the end of 2008, Mr. Stanford had taken out of
8 the bank, stolen from those CD depositors. Instead of giving
9 it to the money managers to invest, he used it to fund his own
03:28 10 pet businesses to the tune of \$2 billion.

11 What were some of those businesses? Well, over
12 300 million of the depositors' hard-earned savings went to two
13 airlines Mr. Stanford ran down in the Caribbean. \$20 million
14 went to a company called "Stanford Eagle," whose sole purpose
03:29 15 was to pay expenses related to Mr. Stanford's yacht.
16 Thirty-seven million went to a company whose sole purpose was
17 to promote cricket tournaments at which Mr. Stanford would give
18 out million-dollar prizes.

19 Now, these investments, \$2 billion going to
03:29 20 Mr. Stanford's companies, it's the exact opposite of what he
21 said he was doing with their money. That money is not liquid.
22 First of all, it was gone. It was used to pay the daily
23 expenses of Mr. Stanford's airlines and his yacht and his
24 cricket tournaments. And airlines and yachts aren't the type
03:29 25 of thing you can turn into cash with the snap of a finger.

03:29 1 He said "global investment strategy." Well,
2 these companies of his own that he was funding were all owned
3 by one person, Mr. Stanford, and most of them were based in one
4 small area of the world, the Caribbean, certainly not globally
03:30 5 diversified.

6 And remember what he said, "no credit risk"?
7 Well, you'll see that the bank tried to say these were loans to
8 Mr. Stanford. It was a tightly-held secret at the bank. Only
9 a select group of insiders even knew that this \$2 billion had
03:30 10 gone to Mr. Stanford's companies. Because Mr. Stanford knew
11 that if the depositors found out that their money wasn't going
12 to these expert money managers and wasn't being invested like
13 he said no one would invest to fund a few of his private
14 businesses.

03:30 15 And the banks -- and Mr. Stanford tried to say
16 they were loans. But even if they were loans, there was never
17 any repayment. That risk that loans wouldn't be repaid was
18 real in this case because Mr. Stanford never made any
19 meaningful repayments of cash or never wrote a big check to pay
03:30 20 back his \$2 billion he used to keep his private companies
21 afloat.

22 So, who was benefiting from these lies? Well,
23 that brings us to the theft. I've already told you about the
24 biggest part of Mr. Stanford's theft, that \$2 billion he took
03:31 25 from the depositors and used for his own airlines and yachts

03:31 1 and cricket matches. But even that 2 billion was not enough
2 for Mr. Stanford. He stole money from the depositors in one
3 other way.

03:31 4 Back in the mid Eighties, right before he opened
5 the bank, he also opened a Swiss bank account. And over the
6 years -- we don't have the records that go back all the way;
7 but for the period we have records, he would take the
8 depositors' money to the bank in Antigua, send it and funnel it
9 through that Swiss bank account. And you're going to see over
03:31 10 a hundred million dollars of that money that went through that
11 Swiss bank account ended up in Mr. Stanford's personal bank
12 accounts in Switzerland -- I'm sorry, in Antigua and the United
13 States.

03:31 14 Now, by this time you may be asking yourself how
15 could such a blatant fraud last from the Eighties until just a
16 couple of years ago? Well, Mr. Stanford knew that the bank was
17 not making the earnings it said it was. And so, remember, we
18 saw here that just a tiny sliver of the bank's money was going
19 to those expert money managers. But Mr. Stanford had to report
03:32 20 that 8 billion-dollar number. He had to show that the bank had
21 more money on its books than it owed to depositors.

22 So, where did he get that 8 billion-dollar
23 number? Well, that's the second big lie in this case. He
24 simply made it up. It was a made-up, phoney number. And the
03:32 25 way he did it, every year Mr. Stanford would say, "We need to

03:32 1 show that our investments are earning a positive return." And
2 he would tell Jim Davis, his CFO, "Let's decide it's going to
3 be 13 percent this year," or 12 percent.

4 And every year, the bank showed a positive
03:32 5 return. In fact, every month it showed a positive return until
6 2007. And what Mr. Stanford and Mr. Davis would do, they would
7 apply that made-up percentage, that 13 percent, they would
8 apply that to an already made-up number from the year before.
9 Now, you may have heard of the power of compound interest, how,
03:33 10 if you keep your money in the bank, earning interest, it's
11 going to grow and grow because that interest is multiplying on
12 top of other interest.

13 Well, in this case you're going to see the power
14 of compound fraud because each year Mr. Stanford was applying a
03:33 15 made-up percentage of what he wanted his investments to earn on
16 top of an already made-up number. And that's how, by the end
17 of 2008, he had that 8 billion-dollar number, which was
18 billions of dollars above what the bank actually had on its
19 books.

03:33 20 And this isn't a case where you're going to need
21 some fancy accounting to figure out that the bank's numbers
22 were cooked. Basic elementary-school math is all you're going
23 to need to show that the Tier I cash and those -- that small
24 sliver that was invested with the money managers, those
03:33 25 investments were billions of dollars short of the \$8 billion

03:33 1 Mr. Stanford was reporting.

2 And, so, how did he last so long if he's
3 inflating the bank's books by billions of dollars? Well, he
4 knew the key was not letting anyone see the bank's actual
03:34 5 investment accounts with those expert money managers. Because
6 again, anyone who saw it, could do that elementary-school math
7 and know this bank was a fraud. So, even within his company,
8 those investments statements were considered a secret recipe.

9 And the auditors inside of Mr. Stanford's company -- an
03:34 10 auditor's job is to come in and check the numbers, make sure
11 they're accurate. Those auditors in his company weren't given
12 access to the records they were supposed to be verifying.

13 Now, there were two other people whose job it was
14 to make sure that the bank was reporting accurate information.
03:34 15 The first was a man down in Antigua named CAS Hewlett. He was
16 what's called an outside or an independent auditor. So, in
17 addition to the fact that Mr. Stanford's own employees were
18 supposed to be checking the books, there was this outside
19 auditor, that most companies have, who is supposed to come in
03:35 20 and do an independent evaluation.

21 And every year, you'll see in the annual report
22 for the bank that Mr. Stanford sent to his depositors, at the
23 very back there was a letter from Mr. Hewlett; and he said,
24 "I've reviewed the records. I've tested the bank's numbers
03:35 25 against the financial statements, and they're accurate. You

03:35 1 can trust those numbers." That's the signature that would
2 appear. And Mr. Hewlett was an accountant. He had a small
3 operation down in Antigua.

4 So, if he's an accountant, why was he signing off
03:35 5 on the numbers that I told you an elementary school kid would
6 realize weren't true if they had access to the investment
7 statements? Well, that's where the bribes I talked about
8 earlier come into this case.

9 You see, Mr. Stanford was bribing Mr. Hewlett,
03:35 10 paying him millions of dollars to look the other way and not do
11 his job. Mr. Hewlett was billing the bank for his auditing
12 services, like you would expect; and the bank's normal
13 operating accounts in the United States were paying Mr. Hewlett
14 a nice sum. And the accountants in Mr. Stanford's banks, they
03:36 15 knew about those payments.

16 What they didn't know is that, in addition to
17 that nice high payment that Mr. Hewlett was getting on the
18 books, Mr. Stanford was also paying him out of that same secret
19 Swiss account he was using to funnel money to himself. Over
03:36 20 \$3 million in extra off-the-book bribes was going to
21 Mr. Hewlett.

22 So, the CD depositors' money -- and that was the
23 CD depositors' money that was paying those bribes.
24 Mr. Stanford was using the CD depositors' savings to bribe an
03:36 25 auditor, who then was tricking the depositors into thinking

03:36 1 that the bank's numbers were good and accurate.

2 And you'll hear that a number of those financial
3 advisors -- remember the people who sold the CDs -- after a
4 number of years, they said, "Mr. Stanford, the bank is getting
03:36 5 so big, people are asking questions. We should have -- given
6 that the bank is now dealing in billions of dollars, we should
7 have a bigger auditor, one of these big international firms
8 that people have heard of."

9 Mr. Stanford would say, "No, no, we got to stick
03:37 10 with Hewlett. He's been with us from the beginning. I want to
11 show him loyalty."

12 But what the evidence is going to show is that it
13 was really about Mr. Hewlett's loyalty to Mr. Stanford.
14 Mr. Stanford had to keep him because he knew Mr. Hewlett would
03:37 15 look the other way and not do his job.

16 Now, there was someone else down in Antigua whose
17 job it was to make sure the bank's numbers were accurate, the
18 banking regulator, a man named Leroy King. He was the top
19 regulator for something called the Financial Services
03:37 20 Commission, which is -- that's just the name for the bank
21 regulators down in Antigua.

22 And you'll see that Mr. Stanford told depositors
23 that the banking laws in Antigua were among the strongest and
24 best in the world. But, yet, Mr. King, every year, would also
03:37 25 have an examination and he would sign off on these numbers,

03:37 1 those numbers the bank was reporting, that were inflated by
2 billions of dollars. So, why was he doing that?

3 Well, again, Mr. Stanford bribed Mr. King to look
4 the other way. He paid him cash down in Antigua. He bought
03:38 5 him tickets to a super bowl for a number of years, thousands of
6 dollars in super-bowl tickets, including that year in 2004 when
7 you might remember the game was here in Houston. And he let
8 Mr. King fly in Mr. Stanford's private jet free of charge
9 whenever Mr. King wanted.

03:38 10 And you'll see that Mr. Stanford got what he paid
11 for with those bribes. Not only did Mr. King have his
12 examiners sign off on the statements, the bank's numbers, even
13 though they weren't actually getting to see those investment
14 statements, but you'll see, when Mr. Stanford thought one of
03:38 15 Mr. King's examiners was actually trying to do his job,
16 Mr. Stanford called up Mr. King and had Mr. King fire the guy.

17 And you'll see that in 2005 the Securities &
18 Exchange Commission in the United States had started
19 investigating Stanford. And they sent a letter down to
03:39 20 Mr. King in Antigua, a letter from US regulators to Antiguan
21 regulators, and they said, "This is confidential
22 correspondence. We're investigating Mr. Stanford's bank.
23 We've heard it might be a fraud, and we need information from
24 down there in Antigua to get to the bottom of this."

03:39 25 And what did Mr. King do with that private

03:39 1 confidential correspondence? He gave it to Mr. Stanford and to
2 his employees. Not only that, he let Mr. Stanford and
3 Mr. Stanford's lawyers help write the responses to the SEC and
4 other regulators, that Mr. King would then sign and make look
03:39 5 like they were coming from the Antiguan regulators. But, in
6 fact, it was Mr. Stanford's response.

7 So, by paying those bribes to Mr. King,
8 Mr. Stanford had Leroy King down in Antigua running
9 interference with the SEC's investigation. And making sure the
03:39 10 auditor and the regulator were in his back pocket helped
11 Mr. Stanford's scheme continue through for years and years.

12 But finally, by 2008, Mr. Stanford had two big
13 problems to deal with. First of all, for the first time, less
14 money was coming in the door than he was having to pay out.
03:40 15 And so for all these years, you're going to hear them say, all
16 these years Mr. Stanford was able to pay out people when they
17 redeemed their CDs. Even though the bank's numbers were
18 billions of dollars short of what it needed to pay everyone
19 back, they could pay off people at certain times because of all
03:40 20 the new money coming in. But by 2008, things changed. Less
21 money was coming in than he was having to pay out for the old
22 CDs.

23 And you'll see that by the end of 2008, there
24 were urgent e-mails talking about how little cash the bank had
03:40 25 left and how in just a month or two, the bank was going to run

03:40 1 out of money to repay the depositors, even though depositors
2 were still owed billions and billions of dollars.

3 Problem number two for Mr. Stanford in 2008, the
4 Securities & Exchange Commission -- despite the best efforts of
03:41 5 Mr. King and Mr. Stanford to delay that investigation, by 2008
6 the SEC was finally starting to breathe down Mr. Stanford's
7 neck. They were wanting to see -- demanding to see those
8 investment statements to back up the \$8 billion the bank
9 claimed it had.

03:41 10 So, what did Mr. Stanford do to deal with these
11 two issues? He just handled it the way he had been running his
12 bank for over 20 years: lie, make things up, make the bank look
13 as good as possible without any regard for the truth. And
14 you'll see he embarked on a series of desperate measures.

03:41 15 The first one, first desperate measure, in 2008,
16 Mr. Stanford said -- he told the depositors that he put a lot
17 of his own money into the bank over, \$700 million. People were
18 getting nervous. The economy wasn't good in 2008. And he
19 said, "Don't worry, depositors. I've injected my own money,
03:41 20 over \$700 million, to shore up the bank to let it weather this
21 economic storm."

22 Truth was he didn't put a dime of his own money
23 into the bank. In fact, just the opposite. He was pulling out
24 over \$300 million during that year, continuing to fund that
03:42 25 theft to fund his own companies. So, that was his first

03:42 1 desperate measure.

2 Desperate Measure Number 2, he knew the bank
3 accounts were dwindling. He still owed billions of dollars.
4 He decided to fly to Libya, and he asked the Libyan government
03:42 5 to make a huge investment that would allow him to get a lot of
6 cash to pay people back. But even that didn't work.

7 His third desperate measure, in 2008, you'll hear
8 that the bank bought some land off Antigua, cost about
9 \$63 million. And you'll hear that Mr. Stanford long had a
03:42 10 dream of building a fancy vacation resort in Antigua, where the
11 richest people in the world could come vacation. But to this
12 day, it's just that, it's a dream. Not one brick has been
13 laid.

14 But in 2008, the bank bought some of that land
03:43 15 for \$63 million; and just a few months later, even though not a
16 brick had been laid and nothing had been done to that land,
17 Mr. Stanford concocted an accounting idea and waved his magic
18 wand and said, "You know what? I'm going to say that
19 63 million-dollar real estate is now worth \$3 billion."
03:43 20 Because he wanted to show something on the books to justify
21 that \$8 billion he said the bank had.

22 That markup from 63 billion to \$3 million is an
23 increase of 5,000 percent in just a few months, during the
24 worst economic times since the Great Depression. To put it in
03:43 25 numbers you might be able to relate a little more to, it's the

03:43 1 same percentage increase as if you bought a lot of land for
2 100 grand and maybe you hoped to build a dream house there one
3 day and, even though you hadn't laid a brick, all of a sudden
4 you just said, "I'm going to say it's worth 5 million." That's
03:44 5 the same percentage increase.

6 And this is a convoluted accounting deal with
7 land that Mr. Stanford tried. I'm not going to get into all
8 the details now. You'll hear a lot more about it during trial.
9 But that was one of his last desperate measures, grossly
03:44 10 inflating the value of that real estate to try to show
11 something that he could use to justify that 8 billion-dollar
12 number.

13 That brings us to 2009. In February, the SEC was
14 demanding testimony from Mr. Stanford and Mr. Davis, his CFO.
03:44 15 They wanted to know and see where the money was invested, that
16 \$8 billion. An emergency crisis meeting was held in Miami --
17 Mr. Stanford had an office in Miami -- with a number of top
18 executives. And the idea was Mr. Stanford --

19 THE COURT: By the way, you've got 10 minutes left.

03:44 20 MR. COSTA: Thank you, Judge.

21 Mr. Stanford didn't want to go in; Mr. Davis
22 didn't want to go in. So they were going to have some other
23 executives do it. And the idea was to figure out a plan for
24 how to deal with this SEC investigation. And Mr. Davis, the
03:45 25 CFO, divulged to these executives for the first time that

03:45 1 Mr. Stanford had taken \$2 billion out of the banks to fund his
2 own companies. He told them about this crazy real estate value
3 of \$3 billion, this 5,000 percent increase. And a number of
4 executives cried. They knew that what the depositors had been
03:45 5 told for all these years was -- were lies. They knew that the
6 bank was a fraud.

7 But what did Mr. Stanford do after that meeting,
8 when it -- when it had been revealed to all these other
9 executives? He had one big lie left in him. Just a few days
03:45 10 later, he sent a letter to all the depositors and he sent a
11 letter to the bank's employees saying, "The bank is in good
12 financial shape." He touted that 700 million of his own money
13 that he said he put in the bank, even though not a dollar went
14 in. And then he said -- remember that -- he said, "There's
03:45 15 rumors of an SEC investigation, but it's really just a routine
16 examination, nothing to worry about."

17 But what Mr. Stanford called that "routine
18 examination," a few days later resulted in the SEC filing
19 charges. And you'll see that a judge appointed a receiver to
03:46 20 take over Mr. Stanford's bank and his company here in Houston,
21 who was selling those CDs.

22 THE COURT: Just for the record, that was a different
23 court. That was the district federal court in Dallas, correct?

24 MR. COSTA: Correct.

03:46 25 And a few months later, ladies and gentlemen, a

03:46 1 federal grand jury sitting in this courthouse returned the
2 indictment I just described. And the indictment alleges those
3 fraud counts. It alleges those counts of obstructing the SEC
4 and the money laundering.

03:46 5 How is the United States going to prove
6 Mr. Stanford's guilt in this trial, beyond a reasonable doubt?
7 What types of evidence are you going to see? Well, you're
8 going to hear from some of his former employees, including a
9 few from when he started the bank in the mid to late Eighties.

03:46 10 You're going to hear from some of those financial advisors, the
11 people who sold those CDs to clients based on what Mr. Stanford
12 was telling them about the safety and low-risk nature of that
13 investment.

03:47 14 You're going to hear from one of the accountants
15 whose job it was to track that \$2 billion that was taken out of
16 the bank by Mr. Stanford and put into his other companies; and
17 he'll tell you how he was told, "You have to keep this secret.
18 You can be fired if you let this information get out."

03:47 19 And you're also going to hear from the employee
20 who knew Mr. Stanford the longest and knew him the best.
21 Remember when I told you Mr. Stanford hired that loyal
22 lieutenant, his old college roommate from Baylor in the 1970s
23 and he -- Mr. Davis, he became the CFO of Mr. Stanford's bank?

24 THE COURT: "CFO," just explain what a "CFO" is.

03:47 25 MR. COSTA: Chief financial officer.

03:47 1 Mr. Davis has accepted responsibility for helping
2 Mr. Stanford commit this fraud for 20 years. He's pled guilty,
3 and he's going to take that witness stand and give you the
4 ultimate insider's view of how Mr. Stanford for over -- he
03:47 5 helped Mr. Stanford for over 20 years commit this fraud.

6 And Mr. Davis is looking at up to 30 years in
7 prison when Judge Hittner sentences him after this case. And
8 he'll tell you, by cooperating with the government, he hopes
9 Judge Hittner will give him something less than 30 years.

03:48 10 You're not just going to have all that testimony
11 in this case to rely on. Mr. Davis and others are also going
12 to show you the documents. You're going to see for yourself
13 the accounting records that show \$2 billion going to
14 Mr. Stanford's private companies. You're going to see for
03:48 15 yourself those Swiss bank records that show the money being
16 diverted to Mr. Stanford's personal accounts and to pay those
17 bribes to the auditor.

18 And now that the veil has finally been lifted and
19 we have Mr. Stanford's investment accounts for the banks,
03:48 20 you'll be able to do that elementary school math and you'll be
21 able to see for yourself that the bank's investments
22 came nowhere close to the billions of dollars the bank was
23 claiming it had.

24 And after you've seen all those documents and
03:49 25 heard that testimony, you'll see this is a simple

03:49 1 straightforward case. Mr. Stanford told the depositors one
2 thing was being done with the money, and that was a lie.
3 Mr. Stanford told the depositors the bank had more than enough
4 money to pay them back, and that was a lie. And you will see
03:49 5 that it was Mr. Stanford who benefited from this fraud, to the
6 tune of billions of dollars.

7 And you're going to hear from one other group of
8 people. You're going to hear from a few of the people who
9 trusted their life savings to Mr. Stanford. You'll hear how
03:49 10 those people saved, in many cases for their whole working life,
11 to put some money away for their retirement or for future
12 medical bills or for their children's future education. And
13 you're going to see in this case how Mr. Stanford's lying, his
14 stealing, and his bribing have taken that money that those
03:49 15 people took so long to save, it's taken that money and the
16 dreams they had with it away from them.

17 Ladies and gentlemen, at the end of this case,
18 the United States will be asking you to hold Mr. Stanford
19 accountable for his lying, for his stealing, for his bribing.
03:50 20 We'll be asking you to find him guilty on all 14 of the
21 charges.

22 My colleagues and I look forward to presenting
23 the evidence that will prove these charges, beyond a reasonable
24 doubt; and we thank you for your jury service and for your
03:50 25 attention during the trial.

03:50 1 THE COURT: Very well. Used 41 minutes.

2 We're going to -- I think the best thing for
3 today is that we're going to hear the other opening statement,
4 then we'll adjourn for the day today. Okay? It's been a long
03:51 5 day. I know you've been here early, the jury. So, we'll do it
6 that way. All right?

7 Now we'll hear from the defense. Forty-five
8 minutes. You want a five-minute notice, correct, sir?

9 MR. SCARDINO: Correct, your Honor.

03:51 10 THE COURT: All right. Let's go.

11 MR. SCARDINO: The Court, members of the prosecution,
12 learned colleagues, ladies and gentlemen of the jury.

13 THE COURT: Just pull the mike toward you, which is
14 fine, if you can.

03:51 15 Okay.

16 MR. SCARDINO: I must say, after listening to the
17 prosecutor's opening statement, I was impressed. He's
18 obviously capable and learned, and I thought he put together a
19 persuasive opening statement. But he told you some things that
03:51 20 I'm going to take serious disagreement with.

21 He told you things like he was going to prove to
22 you -- with the evidence that he's presenting up on his board,
23 he's going to prove to you certain things that are factually
24 based. Well, we're going to prove to you some of the things
03:52 25 that are factually based that will show that Mr. Stanford's

03:52 1 financial empire was real and did make a lot of investments and
2 did make a lot of people a lot of money and did pay every penny
3 of what was owed to the depositors for 22 years. For 22 years.

03:52 4 So, to believe the prosecution's theory of this
5 case, you would have to believe there was a fraud committed
6 where money was paid to the first investor from money that was
7 received from the second investor, they were able to do it for
8 22 years.

03:52 9 You'll also find when you hear this case that a
10 lot of what the prosecutor has told you is dependent upon you
11 believing beyond a reasonable doubt a man that you are going to
12 hear is one of the -- is a liar. And he's going to testify.
13 This guy, Davis, the CFO, he's going to testify and admit that
14 he's a liar. He's going to tell you that he's a crook and that
03:52 15 he perpetuated some of his crooked fraud by lying. And, yet,
16 you're going to hear -- these prosecutors are going to ask you
17 to believe this person beyond a reasonable doubt, to prove
18 their case.

03:53 19 Mr. Costa tells you that he's going to prove
20 certain things, like this island club idea that Allen Stanford
21 had was just a pipe dream and didn't exist at all and it was a
22 way to funnel some of the depositors' money into one of his
23 pipe dreams. We're going to prove to you, we're going to bring
24 you evidence to show you that that's just not true, that it
03:53 25 wasn't just a pipe dream, that over a hundred million dollars

03:53 1 had been spent in developing this island club.

2 \$10 million was spent doing preliminary work with
3 a New York architect firm. \$10 million was spent with an IT
4 firm to put the infrastructure in for the intellectual
03:53 5 technology -- the information technology. So, it wasn't a pipe
6 dream.

7 You're going to see photographs of the bricks and
8 mortar that he laid to start an enterprise that was developed
9 over years, not what the prosecutor told you, that it was a
03:53 10 5,000-dollar increase in value just over a period of weeks.
11 I'm sorry. That's just not the case. It was an investment
12 that was made, that was developed over the years and, from the
13 development, certain licenses were obtained that made it much
14 more valuable than what he was able to purchase it for years
03:54 15 previously.

16 So, what the prosecutor is telling you is their
17 version of what they see in these facts. The facts will show
18 that they just flat didn't have the information to come to the
19 conclusions that they've come to, that there are years and
03:54 20 years of business that Allen Stanford was engaged in, that the
21 prosecution just has no access to that information because they
22 couldn't get it because some of the information was offshore
23 and beyond their ability to be able to retrieve it. Yet
24 they've taken a snapshot of Allen Stanford's business and they
03:54 25 presented it to you as being fraudulent and are not showing you

03:54 1 the complete picture.

2 Mr. Costa wants you to believe this is a simple
3 case with simple arithmetic. The evidence will show that it's
4 anything but simple. You're going to hear testimony from
03:55 5 expert witnesses that are experts in business, in finance, and
6 accounting, in economy. And you're going to have to listen
7 hard to this. Because we've been listening hard to it and it's
8 hard for us to understand. It's anything but simple. But
9 that's what the prosecution wants you to think, that they've
03:55 10 got a simple case that's going to be easy to prove to you and
11 that you will buy into it.

12 In this country, all disputes are settled by
13 juries. If we lived in a country where the government would
14 settle all of our disputes, we would live in a place like China
03:55 15 or North Korea or Iran. Those places don't have juries. So,
16 you folks will help us settle this dispute, the dispute between
17 the prosecution, the government, and the position taken by
18 Allen Stanford.

19 George Washington said the one thing that
03:56 20 guarantees democracy is our system of juries. And that's what
21 we're doing here today. The government is not going to decide
22 whether Allen Stanford is guilty or not. You folks have to
23 make that decision.

24 Judge Hittner is going to tell you, in an
03:56 25 instruction sheet at the end of this case -- we call it the

03:56 1 Court's "charge," but it's the judge's instructions to you,
2 that you will see at the end of this case, that guides you in
3 how you're to look at the information that you receive.

4 We have facts. The government has learned some
03:56 5 facts. They've gathered facts and evidence that they put --
6 facts that they've put together through witnesses and
7 documents, and so have we. Now, those facts become evidence
8 when the judge looks at it and it passes certain tests. And if
9 it does, then he lets you hear it. And it has to pass tests of
03:57 10 whether or not it helps you come to conclusions to whether what
11 is -- what my client is charged with is true or not.

12 And then, if the judge lets you hear it, then
13 he'll tell you that you must follow these instructions because
14 you've taken an oath to do so. And basically, here's what the
03:57 15 judge will tell you at the end of this case. He will tell you
16 that Mr. Stanford is presumed innocent and that you must
17 presume him innocent at the start of the trial and throughout
18 the trial until and unless you hear evidence that convinces you
19 otherwise. Judge Hittner will tell you that the burden of
03:57 20 proof is on the prosecution always, never on the defense. If
21 the defense does nothing, if we do not examine a witness, if we
22 do not present a witness, but the prosecution fails in
23 presenting their case, you must find the accused not guilty.

24 And the third and one of the most salient rules
03:58 25 that the judge will inform you of is that that burden that the

03:58 1 prosecution has to present their case is "beyond a reasonable
2 doubt," the highest burden that we have. So, in a case like
3 this, that involves financial fraud, even though the
4 prosecution wants to characterize it as a simple case, easy for
03:58 5 you to understand, if you find that it is not simple and easy
6 to understand, in fact, at the end of the trial if you don't
7 understand it, I submit to you you cannot be convinced beyond a
8 reasonable doubt.

9 MR. COSTA: This is argument, your Honor.

03:58 10 THE COURT: Sustained.

11 MR. SCARDINO: So, your instructions will be that you
12 must apply those standards to the evidence that you hear. And
13 that's what gives everybody in America a free trial -- a fair
14 trial. No matter what courtroom you're in, no matter what
03:58 15 state you're in, these rules are applied. And they will be
16 applied to you to this case.

17 I'd like to introduce my staff to you briefly.
18 My law partner, Ali Fazel. One of the lawyers helping us
19 today, a gentleman, John Parras; Ken McGuire, another lawyer
03:59 20 helping us on the case. Our paralegals are Hunter Simmons and
21 Lance Livingston; legal assistant, Candice Stocker; our
22 consulting expert, Mr. Cliff Wright; and the people that will
23 be presenting the information when it's our turn to present
24 information to you and put it on the screen -- and I couldn't
03:59 25 do this for -- if my life depended on it. So, we've got these

03:59 1 two smart young ladies back here that will access the mountain
2 of information and bring it up for you to look at when it's
3 time, Ms. Harper and Ms. Cole.

03:59 4 Now, a little bit about Allen Stanford. He's a
5 Texas boy, born in Mexia, Texas. His father, James Stanford,
6 and his grandfather, Lodis Stanford, were in the insurance
7 business. They sold some financial products. They sold
8 annuities. You'll see in some of the literature that will be
9 presented to you, in promoting his business, Mr. Allen Stanford
04:00 10 did make mention that he's from a family that had been in the
11 financial business for a number of years.

12 He did start a bank called Guardian Bank on the
13 island of Montserrat. You'll hear evidence there's absolutely
14 nothing wrong with that, starting a bank on an island, an
04:00 15 offshore bank. People invest in financial products that are
16 sold in offshore banks all the time. I will admit to you that
17 it probably carries some stigma, offshore banks, because you
18 hear so many bad things about them.

19 But you'll hear evidence that the bank that
04:00 20 Mr. Stanford ran, the Guardian Bank, as opposed to what
21 Mr. Costa has told you, was, in fact, not run out of the island
22 of Montserrat, that there were problems with other banks on the
23 island with a similar name or had the name "guardian" in their
24 title and so Allen Stanford decided to move his bank to a
04:01 25 different island and change the name to Stanford International

04:01 1 Bank, Limited.

2 You'll hear that he did sell a financial product
3 called a "Certificate of Deposit," and I will talk about what
4 that is in just a minute. Mr. Costa talked about it. I want
04:01 5 to go into a little more detail with you about what that is and
6 what it's not.

7 But you will hear from the evidence that
8 Mr. Stanford was a very clever and resourceful businessman and
9 that he did make a lot of money with the financial products
04:01 10 that he sold. In fact, he made millions of dollars and became
11 a billionaire.

12 You'll hear that -- I think Mr. Costa even
13 mentioned it -- "*Forbes Magazine*" had found that at one time he
14 was worth \$2.2 billion. You'll hear from the evidence that
04:01 15 making all this money created a gigantic tax problem. You'll
16 also hear that the monies that was made from some of these
17 investments were used to fund other companies.

18 Allen Stanford owned 102 companies. He was the
19 sole shareholder of these companies. You'll hear from the
04:02 20 evidence that at some point in his career when he needed money,
21 if he had wanted to, he could gone to a bank that had the money
22 and borrowed a billion dollars. He chose not to do that. Talk
23 about that in a minute.

24 You'll also hear from the evidence that he had to
04:02 25 rely on information from other experts, like lawyers and

04:02 1 accountants, and that he did that. You'll hear that he was --
2 Allen Stanford was not an information technology guy and
3 basically used a computer to send and receive e-mails.

04:02 4 You'll hear evidence about the CD rates that he
5 paid on his CDs. The evidence that you will hear is that the
6 rates were comparable to the CD rates paid by other banks on
7 the island. They weren't comparable to the CD rates you can
8 get at a bank here in the States. And you're going to hear
9 there's a reason for that, that these banks on the island --

04:03 10 really, people started banks on the island because of the tax
11 structure there -- they either had a very low tax structure or
12 none at all -- and that it was much cheaper to operate the bank
13 on a Caribbean island than it was in Houston, Texas. So he
14 could afford to pay a higher CD rate and attract that business,
04:03 15 which is what he did.

16 Now, let's talk about a CD for just a minute and
17 what it is. Mr. Costa mentioned it to you. It's a Certificate
18 of Deposit. It is a financial instrument. It's a contract
19 between the depositor and the bank, where, if you want to take
04:03 20 a fixed amount of money and give it to the bank, the bank
21 agrees that they will pay you a fixed interest rate in return.
22 So, commonly a CD is used on a three-month, six-month, 12-month
23 or five-year term. And it's a negotiated -- it's a fixed
24 amount, not a negotiated amount, that the bank pays you.

04:03 25 Now, the bank takes your money that you put in

04:04 1 and the bank invests that money in other investments; and the
2 bank makes money on that money. So, hopefully the bank has
3 invested the money in such a way that the bank makes more money
4 than they have to pay you in the agreed interest rate.

04:04 5 Now, the person that goes and buys the
6 Certificate of Deposit doesn't have anything to say about how
7 the bank invests that money. Because the only agreement
8 between the depositor and the bank is that they get the fixed
9 agreed upon amount at the time they agreed to get it. And if
04:04 10 they like that they get their return, they can say, "I want to
11 roll it over and let it go for another" -- however long.
12 That's a Certificate of Deposit.

13 It's not a security. You're going to hear
14 evidence from expert witnesses that are expert in the area of
04:04 15 securities that will tell you that. So, the material that you
16 hear the prosecutor talk about, all the promises that were made
17 to these people that purchased this product was really of no
18 moment at all because they had nothing to say about how the
19 bank invested the money.

04:05 20 Now, had they sold -- had the bank sold them a
21 stock, a security, then they're selling them ownership in the
22 bank. CDs, you get no ownership. Stock, you get ownership.
23 You can go to shareholder meetings or stockholder meetings and
24 you can have a say-so in how the bank or the company is run and
04:05 25 you have a right to know how that company or bank is investing

04:05 1 your money. That's not what Allen Stanford was selling.

2 But the government has taken the position,
3 because he had promotional material that said he invested the
4 money in a certain way and they interpret that as, "No, you
04:05 5 didn't invest it the way you promised," that it's a fraud, that
6 it is a material misrepresentation. We're going to prove to
7 you that it's not.

8 You'll also hear that, over the period of the
9 lifetime of Mr. Stanford's bank, the 22 years that he sold this
04:06 10 product to these depositors, for 22 years he paid every penny
11 that was promised, never once failed. Not evidence of a fraud.
12 In fact, in 2008, when the economy was in the tank, the worst
13 economy we've had since the Great Depression, he still paid
14 what was promised to be paid, didn't take the money and run.

04:06 15 Talk about a Swiss bank account, if he had wanted
16 to move it into a Swiss bank account, that would have been easy
17 to do. He didn't do that. He paid every CD in 2008 that was
18 promised, and even more than that. When some of the people
19 that purchased the CDs from him -- and some of them are in big
04:07 20 figures. You have some that purchased in 50,000-dollar
21 accounts, you have some that purchased in the millions of
22 dollars.

23 In 2008, when people started getting worried
24 about losing all of their money in the stock market and losing
04:07 25 all of their money in other kinds of investments, there were a

04:07 1 lot of them that had purchased a product from Allen Stanford
2 that said, "My CD isn't due for months but I need the money,"
3 and he paid it. Every time, he paid it. It caused him some
4 problems. He needed to capitalize his bank because he paid out
04:07 5 too many CDs, paid early redemptions.

6 So, he had to find a way to capitalize his bank
7 so he didn't go under. Now, I'm sure you've heard and read
8 about all the banks that went under, banks in the United
9 States.

04:07 10 MR. COSTA: Objection, your Honor, on the motion in
11 limine grounds.

12 THE COURT: You better keep out that motion. We have
13 a limine motion on file. So, be careful of that, counsel.

14 MR. SCARDINO: Yes, your Honor, I am mindful. I don't
04:08 15 plan to go there.

16 But Stanford, in his effort to capitalize his
17 bank so it wouldn't fail, had an idea -- because he's a smart
18 businessman. You're going to hear he's a visionary, not a
19 technical guy, not a hands-on guy but an idea guy. He said,
04:08 20 "I've got to figure out a way to put money back in the bank
21 because we paid all these redemptions."

22 So, what he did is he took the property that he
23 owned on the island that Mr. Costa has talked to you about,
24 that he -- the government is taking the position it was all
04:08 25 just a sham and a fraud. We're going to prove to you that it

04:08 1 was real and it existed and, yeah, he paid about \$68 million
2 for it and, yeah, it ended up being worth over \$3 billion. And
3 he took that and used -- through accounting means that were all
4 legitimate, through business means that were all legitimate,
04:09 5 because the island was owned by a company, and he took stock
6 and transferred that stock that owned the property into the
7 bank. And he did it to the tune of \$741 million to
8 recapitalize his bank. Not a fraud. But he did that.

9 Now, you're going to learn something about the
04:09 10 people that actually purchased this product. Mr. Costa brought
11 that up, too. But he left something out. Stanford published a
12 lot of data that was promotional, "Buy my product because I'm
13 going to pay you more money than an American bank will pay you
14 and here's why and here's how we're going to deal with it."

04:09 15 That promotional material, according to the government, is
16 misleading. We're going to show you that it was not in the
17 least bit misleading. We're going to show you that the
18 material was like every other company that has material that
19 tries to attract investors and depositors, and that's exactly
04:10 20 what they were doing.

21 Now, the government wants to interpret it as
22 fraud and a material misrepresentation. We're going to show
23 you that it was not, that they didn't do anything outside of
24 what they said they were going to do with the investments, that
04:10 25 they still didn't have to tell the people that bought the CDs

04:10 1 what they were going to do. But they've tried to reassure
2 them -- they did do that -- that, "We've made money all these
3 years and we've always paid and we'll continue to do so." But
4 they tell them in a disclosure statement, every depositor,
04:10 5 every one of them got a disclosure statement that said past
6 history of success is no guarantee for future performance.

7 The disclosure -- the disclaimer says to all the
8 potential purchasers, "You can lose all of your money," tells
9 them that. We're going to prove that to you. Nobody was
04:10 10 deceived. That's in the statement.

11 Furthermore, they wouldn't sell this product --
12 Stanford would not sell this product to anybody unless they
13 were accredited or qualified. They wouldn't sell the product
14 in small amounts. They sold it only in 50,000-dollar minimum
04:11 15 increments. They wouldn't sell it to anybody unless they were
16 worth at least a million dollars. They wouldn't sell it to
17 anybody if they weren't worth a million dollars. They had to
18 show they had an income of at least \$200,000 a year.

19 So, they weren't out preying on people as the
04:11 20 prosecution would have you believe. They were promoting their
21 product to people that hopefully were sophisticated investors
22 and understood investments and knew what a CD was and what it
23 wasn't. And that's what they were up to for 22 years.

24 Now, when things in the economy started going
04:12 25 south, a government agency that Mr. Costa has referred to, the

04:12 1 Securities & Exchange Commission -- we refer to it as the
2 "SEC." They don't prosecute criminal cases. The Department of
3 Justice prosecutes criminal cases. But the SEC regulates
4 companies that sells securities. And as Mr. Costa told you,
04:12 5 they started investigating Stanford. Some people were unhappy
6 with Stanford. You'll hear about that.

7 You'll hear that this investigation was brief and
8 incomplete. We're going to show you that, that the
9 investigator that conducted the investigation was brief and
04:12 10 incomplete but came to the conclusion that it was a Ponzi
11 scheme. Now, we're going to prove to you it was not a Ponzi
12 scheme at all. Because it was a legitimate business that
13 operated, made legitimate investments for 22 years. We're
14 going to prove that to you.

04:13 15 A Ponzi scheme is a business that's not
16 legitimate. This one was legitimate. But in spite of that,
17 the SEC stepped in and decided it was a Ponzi scheme and they
18 shut him down and they seized everything. And when I say
19 "everything," they seized everything. They took all of his
04:13 20 books and records. They took over all of his businesses.

21 MR. COSTA: Your Honor, I would just like to reflect
22 that the judge order was what led the SEC to do that. It
23 wasn't some government agency on its own.

24 MR. SCARDINO: I'll object to him interrupting my
04:13 25 opening arguments with a comment.

04:13 1 THE COURT: Overruled both. Go on.

2 MR. SCARDINO: So, they took over -- they took
3 everything. They even took his underwear. He had nothing,
4 still has nothing. From a billionaire to nothing overnight.

04:14 5 And the SEC appointed a receiver that was
6 supposed to run his businesses. Now, from the evidence you're
7 going to hear that -- the people that didn't get paid the money
8 they were owed on the Certificates of Deposit, you don't even
9 get to guess when they stopped getting paid. They stopped
04:14 10 getting paid when the receiver took over the business.

11 Now, you're going to hear from the evidence in
12 this case -- and we're going to prove this to you -- that some
13 of the investments Stanford made were legitimate and
14 potentially very profitable. We're going to call a witness
04:14 15 that will tell you that Stanford's investment company, his
16 venture capital company, made a local investment into a hotel,
17 that they put up \$16 million in the investment, that they had
18 done their due diligence, they had done their homework, and
19 they paid the money. And then the receiver came in and took
04:15 20 away -- took over everything. And it was -- when it was time
21 to make a cash call on the hotel, the receiver said "no."

22 Guess what? It would have been one of the most
23 successful investments they could have thought about making.
24 It became one of the most successful investments. Just an
04:15 25 example of what happened after they ran Stanford off and let

04:15 1 somebody else try to run the empire, which they didn't do.
2 They gave it away and nobody got any more money after that.
3 But the interpretation by the prosecutors is it's Stanford's
4 fault that nobody got any money.

04:15 5 Now, these prosecutors have taken the information
6 that the SEC took, came to the conclusion it was a Ponzi
7 scheme, and the prosecutors indicted him, claiming a Ponzi
8 scheme and other crimes. Then you'll hear that they indicted
9 him again and dropped some of the allegations in the first
04:16 10 indictment.

11 But what we're going to show you in this case is
12 that an indictment is a critical document in our criminal
13 justice system. An indictment is a legal paper whereby the
14 Constitution requires that if the government wants to prosecute
04:16 15 a citizen they have to put that citizen on notice of what
16 they're being prosecuted for. They have to be specific. They
17 can't say they committed an assault and prove a theft. It has
18 to be specific.

19 You're going to hear that the indictment that was
04:17 20 drawn in this case, alleging my client of these crimes, was
21 done so in a haphazard and sloppy manner, that a lot of the
22 entities that the government refers to in their indictment
23 accusing my client of all these crimes, some of the entities
24 that they refer to don't exist at all. They didn't do their
04:17 25 homework.

04:17 1 Some of the entities they claim were affiliates
2 or subsidiaries of other entities that don't exist at all.
3 Some of the places that they claim these -- where they're
4 incorporated, they're just not. We're going to prove this to
04:17 5 you. I'm not just telling you this. We're going to show you
6 how they've made numerous mistakes in the charging instrument
7 that charges my client with a crime.

8 Now, how important is that? Well, I mean, if you
9 had a legal document drawn up and it didn't put the right
04:18 10 entities in it, you might not be protected if you had a
11 contract or a partnership agreement or a buy-sell agreement.
12 It's that important. It's critical in a criminal case.

13 But what may be even more important is what it
14 reflects, the kind of case that's been put together here and
04:18 15 the way it's been put together.

16 MR. COSTA: Object to the argument, your Honor.

17 THE COURT: Sustained.

18 MR. SCARDINO: But the same prosecutors that drafted
19 that indictment are going to present a witness to you that
04:18 20 they're going to ask you to believe. Now, the government
21 prosecutor has already mentioned him to you, a guy named James
22 Davis.

23 James Davis was Allen Stanford's college roommate
24 at Baylor. That's true. And, yes, Allen Stanford asked him to
04:18 25 come work with him when he started his bank on the island of

04:19 1 Montserrat. And, yes, over a period of time, James Davis
2 worked his way up to be the chief financial officer of
3 Stanford's bank.

04:19 4 Now, Mr. Costa told you -- and he's right -- that
5 a chief financial officer is the guy that handles the money for
6 the company, handles the money for the company. You'll hear
7 evidence from people knowledgeable in business that will
8 explain in more detail to you the function of a CFO and the
9 function of James Davis in Stanford's bank as a CFO. He ran
04:19 10 the company; he managed the business; he handled the money.

11 You're going to hear from the evidence that
12 Stanford was kind of an absentee CEO, the visionary, the guy
13 that had the idea. You're going to hear from the evidence --
14 in fact, you're going to see documented evidence that shows
04:20 15 that James Davis wanted to run the company. In fact, the only
16 company that's being investigated here is the one that Davis
17 ran. Stanford had companies all over the world. Hadn't been
18 indicted anywhere but here, and the only indictment came from a
19 company that Davis ran.

04:20 20 But you're going to hear that Davis, for whatever
21 he is, is going to tell you that he, Davis, is a crook. And a
22 lot of the information the prosecutor will put up here on the
23 screen, you're going to have to believe Davis to believe what
24 they put up on the screen and the interpretation of it is true
04:20 25 beyond a reasonable doubt.

04:20 1 MR. COSTA: Object to the argument, your Honor.

2 THE COURT: Sustained.

3 MR. SCARDINO: Davis is going to testify. He's going
4 to tell you that he's a liar, that he's lied all along. In
04:20 5 fact, we're going to prove to you that he even lied to the
6 prosecutors. We're going to prove to you he stole from Allen
7 Stanford. We're going to prove to you that the prosecutors
8 didn't even know he committed tax fraud until a few weeks ago,
9 just a few weeks ago. So, this is a guy that's going to be a
04:21 10 government witness.

11 THE COURT: You got 15 minutes left.

12 MR. SCARDINO: Thank you, your Honor.

13 You'll also hear from the evidence that of all
14 the people that have been accused of crimes in this case, one
04:21 15 guy has pled guilty and that's Davis. And he's going to be
16 their witness. And he's going to testify and you're going to
17 hear evidence that he made a deal about a month after the
18 organization was shut down, that he had hired a lawyer and they
19 make a deal to testify for the government. And that's what
04:21 20 he's going to do here next week.

21 You're going to hear a lot of evidence about what
22 the economy was like in 2008. You're going to hear evidence
23 about different kinds of accounting standards. Stanford's
24 actually was -- the accounting standards that applied to his
04:22 25 businesses and the way they kept their books was different from

04:22 1 the accounting standards that apply to American companies and
2 American accounting. You're going to hear from expert
3 witnesses that will explain all that to you.

04:22 4 Stanford's island business was -- the accounting
5 standards were International Financing Reporting Standards, or
6 the IFRS, which are different standards than the GAAP or
7 general accounting principles that are applied to accounting
8 here for American companies. And there are -- and you will
9 hear about them. There are significant differences in the way
04:22 10 information is booked under these two different accounting
11 principles.

12 Now, the International Financial Reporting
13 Standards are based on a British style accounting. And they
14 are different than ours. And that will explain some of the
04:22 15 things that you will hear and see about the way that some of
16 the information that was reported.

17 You're going to hear evidence that Stanford used
18 accountants and regulators that looked at his books and
19 records. You're going to hear evidence this guy Hewlett that
04:23 20 the prosecutor talked about was one of the people that he
21 brought in to review his books and records. Unfortunately,
22 Mr. Hewlett is deceased. So, neither side gets to call him.

23 You're not going to hear evidence from any of the
24 other co-defendants except Davis, the CFO. You're going to
04:23 25 hear evidence that I think will show you that this was not a

04:23 1 simple operation, that this was a complex international
2 business operation that's going to take awhile to go through
3 and explain to you, not just a snapshot.

04:24 4 We're going to prove to you there's information
5 out there that maybe explains to you a little better about what
6 Mr. Stanford's dream was and what he did to try to achieve it,
7 not a fraud.

04:24 8 And then, lastly, I anticipate that you will hear
9 from Allen Stanford himself. And he's going to explain to you
10 how he ran his business, what his dream was. He's willing to
11 answer all the prosecutor's questions. And he's going to tell
12 you what he tried to accomplish and the good that he tried to
13 do on the island of Antigua and help that population there.

04:24 14 And you're going to hear evidence about all the
15 charity work that he did over the years on the island and off
16 the island, how he sponsored a lot of sporting events that were
17 based on charitable efforts.

04:24 18 You're going to hear some of the money was for
19 some things like the prosecutor talked about. This cricket
20 operation, he invested tens of millions of dollars in cricket,
21 just like other visionaries invested in football back in the
22 AFL when Tex Schramm decided to buy the Dallas Texans for a
23 song.

04:25 24 And he promoted that and he spent a lot of money
25 on it, built a gigantic cricket field and a wonderful facility

04:25 1 to support it. And the evidence will show he put on a
2 tournament where the prize was \$20 million and more people
3 watched the event than watched the super bowl. We're going to
4 prove that to you. It wasn't a fraud. It wasn't pie in the
04:25 5 sky. It wasn't serendipity. It was a real investment that he
6 hoped would make a real return.

7 And lastly, I would like to remind you of your
8 promise to follow the rules that Judge Hittner gives you and to
9 stay true to that oath that you will take. And we think, from
04:25 10 the evidence, that your verdict at the end of this case will be
11 not guilty.

12 Thank you.

13 THE COURT: All right. Ladies and gentlemen, we're
14 going to adjourn in just a few minutes.

04:26 15 Ordinarily, I would take a break and keep going;
16 but I think that the jury has been here -- some of you been
17 here since early this morning, others arrived a little later.
18 It's been a long day for the attorneys. Now we can get
19 everything ready.

04:26 20 Tomorrow morning the first thing I'll do is tell
21 the government, "Call your first witness," and the clock, the
22 timer goes down.

23 By the way, just for your information, the
24 government used 41 minutes, the defense 35 out of an allotted
04:26 25 45. That doesn't count on the big score board, so to speak.

04:26 1 But hopefully the trial will be sort of like that, move along
2 ahead of schedule.

3 Couple of things I want to remind you of. With
4 the attorneys, you heard some objections. Don't hold
04:26 5 objections against any of the attorneys. You'll hear it from
6 both sides. It's just their way to bring to the judge's
7 attention that it may or may not be according to the rules.
8 I've got a rule book there and very often I'll pull it out,
9 they'll pull out theirs and we'll talk a little academics.

04:27 10 I did mention to you that I have a white pad and
11 I will keep my own notes on every witness and at the end of the
12 trial I'll come back and refer to all of these things, some of
13 which may have occurred while you're outside.

14 Also, for the record, what the attorneys say is
04:27 15 not evidence, neither is what I say. One of the instructions
16 I'll give you later on, no matter how much I may jump into the
17 case and start asking questions and push the attorneys to move
18 along, what the judge says is not evidence. The only thing
19 you'll consider as the judges of the facts is what you hear
04:27 20 from that witness stand and the papers that I allow in.

21 Some have been preadmitted. Others may be
22 subject to objection as we go along. But again, the time will
23 continue to run. I'll try to move quickly, and most of them
24 have been gone over ahead of time.

04:28 25 Also, I want to mention to you that -- this is

04:28 1 not in the abstract. Did I mention this to you? But there
2 will be and there is a lot of publicity concerning this case.
3 I would say I "admonish" you, but technically I need to state I
4 "order" you not to read any of the articles nor to watch any of
04:28 5 the TV coverage or to go online and hunt down this case.
6 Because what we all expect and we all require and what we all
7 need for the system to work is for you, the fact finder, to
8 listen to the facts in this case, decide it accordingly.

9 And after the case is over, have your family show
04:28 10 you the articles or the video that they recorded from the
11 nightly news, both local and national. And if it comes on,
12 really, just walk out and tell them to push the DVR and look at
13 it later; but, really, let's give both sides an equal shot.

14 We appreciate your time and we appreciate not
04:29 15 only your time, your family's time, any financial discomfort
16 that it may cost you. And hopefully -- and certainly express
17 my appreciation to your employers because, without people being
18 permitted to serve on a jury with minimal hassle, shall we say,
19 from the employer, also the system couldn't work. Just like in
04:29 20 the military, without the understanding -- together with the
21 law backing it up, but the understanding of employers, a lot of
22 our men and women wouldn't be able to serve overseas and would
23 be under undue pressure that their positions may not be
24 available when they come back and get out of uniform, the
04:29 25 citizen soldiers, the volunteers, meaning the National Guard

04:29 1 and the Reserves.

2 Ellen will visit with you shortly for a few
3 minutes, and tomorrow morning we get underway at 10:00 a.m.
4 The configuration will basically be the same. And all you'll
04:29 5 hear tomorrow morning is, "Government, call your first
6 witness." The lever goes down, and we're going to start
7 hearing it.

8 I want to mention to the attorneys that it would
9 certainly be most appreciated by the jury to keep it simple,
04:30 10 keep it to the point. We'll be hearing a lot of finance. Make
11 it simple, let us understand it, which is one of the wonderful
12 things about the job I have.

13 As I mentioned when I visited with you earlier
14 upstairs, everything is different. You learn something every
04:30 15 day, and you will be learning about international finance and
16 banking. Should be fascinating.

17 So, we thank you for your time. At this time, if
18 you would, please, stand, go to the jury room. We'll see you
19 in the morning.

20 *(Proceedings recessed for evening)*

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COURT REPORTER'S CERTIFICATION

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled cause.

Date: January 24, 2012

/s/ Cheryll K. Barron

Cheryll K. Barron, CSR, CMR, FCRR
Official Court Reporter

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